

5 COMMENTS AND RESPONSES

This chapter includes a reproduction of, and responses to, each letter received during the public review period. Each letter is reproduced in its entirety, and is immediately followed by responses to the comments in it. Letters follow the same order as listed in Chapter 4 of this Final EIR and are categorized by:

- ◆ State Agencies and Regional Agencies
- ◆ Local Agencies
- ◆ Non-Governmental Organizations
- ◆ City Staff and Officials
- ◆ Members of the Public
- ◆ Oral Comments

Within each category, letters are arranged in chronological order by the date sent. Each comment and response is labeled with a reference number in the margin. Letters received after the close of the comment period are listed at the end of their respective categories, in the order received.

Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to the Draft EIR, these revisions are explained and shown in Chapter 3 of this Final EIR document.

Four master responses have been prepared to allow for a more detailed response to issues of particular concern to the public. Master Response 1 explains the distinction between comments that pertain to merits of the Plan and comments that pertain to CEQA-related issues. Master Response 2 describes program-level environmental review. Master Response 3 describes the methodology used to calculate the buildout projections for the Plan and the Plan alternatives. Master Response 4 describes the existing regulatory framework related to aesthetics, as it pertains to new development in downtown Lafayette.

Master responses are included in the sections below and are followed by comment letters and responses to the comments contained in each comment letter.

A. Master Response 1: Comments Related to the Merits of the Plan vs. Comments Related to the Adequacy of the Draft EIR

During the review period for a Draft EIR, members of the public submitted several comments that relate to the details of the project itself, convey the commentor's opinion of the project, or address the relative consequences or benefits of the project (referred to here as "merits of the Plan"), rather than the adequacy of the Draft EIR or the environmental issues, impacts, and mitigation measures addresses in the Draft EIR. It is important for a Lead Agency in its decision-making process to consider both the adequacy of the Draft EIR and the merits of the Plan. However, a Lead Agency is only required by CEQA to respond in its Final EIR to comments related to pertinent environmental issues and the adequacy of the Draft EIR. Certification of the Final EIR for the Plan does not necessarily indicate that the Plan will be adopted. After the Final EIR is completed and certified, the City Planning Commission and City Council will hold publicly-noticed hearings to consider whether or not to adopt the Plan. These hearings are separate from those directed at reviewing the EIR and environmental issues.

In accordance with Sections 15088 and 15132 of the CEQA Guidelines, a Final EIR must include a response to comments on the Draft EIR pertaining to environmental issues analyzed under CEQA and the adequacy of the Draft EIR. Several of the comments provided in response to the Draft EIR express an opinion for or against the Plan or a Plan alternative, but do not pertain to the adequacy of the analysis or conclusions in the Draft EIR. Rather, these opinions relate to the merits of the Plan.

Section 15204 of the CEQA Guidelines provides direction for parties reviewing and providing comment on a Draft EIR, as follows:

In reviewing the EIR, persons and agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.

Section 15204 continues in relation to the role of the Lead Agency in responding to comments:

When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Although comments related to merits of the Plan do not require responses in the Final EIR, they do provide important input to the decision-making process. Therefore, merit- and opinion-based comment letters are included in the Final EIR to be available to the decision-makers when considering whether to adopt the Plan.

B. Master Response 2: Program-Level Environmental Review

As described in the CEQA Guidelines, a number of types of EIRs exist. Different types of EIRs are used for varying situations and intended uses. As described in Section 15161 of the CEQA Guidelines, the most common type of EIR is a *project* EIR, which examines the environmental impacts of a specific development project. As described in Section 15168 of the CEQA Guidelines, *program* EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria.

In this case, the project that is the subject of this EIR is a long-term plan that will be implemented over time as a policy document guiding future development activities. No specific development projects are proposed as part of the Plan. Therefore, this EIR is a program-level EIR, as described on page 1-1 of the Draft EIR. Section 15168(b) of the CEQA Guidelines identifies the following advantages of a program-level EIR. According to Section 15168(b), program-level EIRs:

- ◆ Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action.

- ◆ Ensure consideration of cumulative impacts that might be slighted on a case-by-case analysis.
- ◆ Avoid duplicative reconsideration of basic policy considerations.
- ◆ Allow the Lead Agency to consider broad policy alternative and programwide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.
- ◆ Allow reduction in paperwork.

As described in this list of advantages, program-level environmental review allows the City to provide an “exhaustive consideration” of the Plan’s effects by examining the effects throughout the Plan Area, rather than on a case-by-case basis. Program-level environmental review also allows for an examination of the effects of the Plan’s basic policy considerations, without requiring the City to re-consider such policy considerations each time a specific development project is proposed. As such, in certifying this EIR the City will have completed its duties under CEQA to consider the effects of adopting the Plan as a policy framework for future development proposals. However, certification of this EIR would not exempt future development projects from CEQA.

Section 15168(c) of the CEQA Guidelines outlines the additional environmental review that must be conducted for development projects that occur under a project for which program-level environmental review has been prepared. Under Section 15168(c), the City would be required to consider the following factors when development projects are proposed in the Plan Area:

- ◆ If a later activity [i.e. specific development projects] would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.
- ◆ If the agency finds that pursuant to Section 15162 [of the CEQA Guidelines], no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope

of the project covered by the program EIR, and no new environmental document would be required.

- ◆ An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.
- ◆ Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.
- ◆ A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

Under these requirements of Section 15168(c), if the City finds that the potential environmental impacts of a proposed development project in the Plan Area would not be sufficiently mitigated by the program-level EIR for the Plan, new environmental documentation would be required. Thus, certification of this EIR does not “pre-clear” future development projects under the Plan from CEQA. In this way, CEQA provides a check on new development by requiring that the City consider future development proposals in light of the findings and mitigation measures included this EIR. If a project is determined to have the potential to result in impacts that were not evaluated in the program-level EIR, an Initial Study would be prepared to determine whether a Negative Declaration or EIR would be needed for the project.

C. Master Response 3: Buildout Projections

Many of the comments received during the public review period for the Draft EIR expressed concern regarding the buildout projections in the Draft EIR, and the methodology used to calculate the projections. This master response

provides a thorough description of the methodology used to calculate the buildout projections for the Plan, as well as the buildout projections of the Plan alternatives evaluated in Chapter 5, Alternatives, of the Draft EIR.

The CEQA Statute and Guidelines do not provide specific guidance regarding how buildout projections should be calculated for the purposes of a program-level EIR. However, CEQA does provide guidance regarding the scope of the environmental review process and the lens through which Lead Agencies should examine proposed projects for the purposes of an EIR. Under Section 15064(d) of the CEQA Guidelines, “In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.”

The buildout projections used in the Draft EIR reflect the amount and type of development that is reasonably foreseeable under the Plan by 2030. The buildout projections reflect a high rate of redevelopment to ensure that the Draft EIR does not understate environmental impacts. The buildout projections in the Draft EIR, as described in detail below, are based on the assumption that approximately 30 percent of the Plan Area would be redeveloped in the next 20 years. Given the 20-year Plan horizon, it is likely that there will be deviations from the development projections. However, deviations from the projected 2030 buildout are not in themselves a basis for finding inadequacy of the Plan or the Draft EIR, since these projections represent the City’s projection of “reasonably foreseeable” development under the Plan.

As described in detail in the following section, the buildout projections in the Draft EIR are based on calculations of new development on specific opportunity sites. The buildout projections are used as the basis for the EIR’s environmental assessment, but it does not restrict or specify the actual physical location of future development that will be permitted under the proposed Plan. Even if an area was not identified as being redeveloped by 2030 in the buildout calculations, it can still accommodate new development in keeping

with the proposed Plan’s policies. Furthermore, potential development analyzed in the EIR is not in any way “pre-cleared” for development or privileged for special consideration by City staff or the City Council; all future development will still require normal review. All development applications would be required to comply with applicable policies and regulations in the proposed Plan, the City’s General Plan and Zoning Code, and any other applicable procedures and regulations. As part of the development approvals process, the Planning and Building Services Division evaluates all applications to determine which agencies could have an interest in the proposed project. The following agencies are on the Division’s referral form:¹

- ◆ Caltrans
- ◆ State Department of Fish & Game
- ◆ Regional Water Quality Control Board
- ◆ Contra Costa County Health Department
- ◆ Contra Costa County Community Development
- ◆ Contra Costa County Historical Society
- ◆ Contra Costa Consolidated Fire Protection District
- ◆ Contra Costa Central Sanitary District
- ◆ East Bay Municipal Utility District
- ◆ East Bay Regional Park District
- ◆ Town of Moraga
- ◆ City of Orinda
- ◆ City of Walnut Creek
- ◆ City of Pleasant Hill
- ◆ Lafayette Police Services
- ◆ Lafayette School District
- ◆ Lafayette Historical Society
- ◆ PG&E
- ◆ Comcast
- ◆ AT&T

¹ Ann Merideth, Community Development Director, City of Lafayette. Personal communication with DC&E, June 20, 2010.

In addition, all projects that require a General Plan Amendment, as well as any projects expected to generate 10 or more net new vehicle trips, are referred to the Lamorinda Program Management Committee. These existing review and referral procedures would continue to apply to all development applications.

1. Buildout Projections for the Plan

Buildout projections are typically developed using the following basic approach: 1) identify upcoming projects that should be included in the projections; 2) identify parcels that are likely to be developed; 3) consider environmental factors that may reduce the development potential of the parcels identified in Step #2; 4) determine the likelihood that development will actually occur (typically 95 percent for vacant sites, 50 to 75 percent for neighborhoods in transition (i.e. underutilized property), and nearly zero percent for built out neighborhoods); and 5) determine whether development will be built to the maximum development (a general rule of thumb is that projects are built to only 80 percent of allowable density). Once these steps have been completed, the factors from each of these steps are multiplied to arrive at a total buildout projection. Due to the nature of the Plan, the standard methodology outlined above was not feasible. The Plan includes very specific development standards (such as setbacks, open space requirements, heights, densities) such that adjacent parcels in many parts of the Plan Area are subject to substantially different regulations. Therefore, a site-specific methodology was used to reflect the development standards that would apply to each site. The buildout methodology used for the Draft EIR involved the following steps:

1. Identify potential sites
2. Calculate the maximum development that could be attained on each site:
 - a. Estimate a realistic building footprint
 - b. Allocate land uses
 - c. Estimate the amount of leasable commercial space and residential space
3. Reflect typical development density

For Step 1, to identify potential sites, the areas assumed for development were those presented as Figure 3 in the memorandum *Transportation Evaluation of Lafayette Downtown Strategy Alternatives*. The opportunity sites assumed to develop under the buildout projections comprise approximately 69 acres of land, or 29 percent of the Plan Area's 242 total acres.² As a point of comparison, according to the City's Planning and Building Services Division, since 1990 approximately 26.4 acres, or 11 percent of the Plan Area's total 242 acres, have been developed.³ Therefore, a redevelopment rate of nearly 30 percent is high for downtown Lafayette.

Step 2 is to estimate a realistic building footprint, allocate land uses, and estimate the amount of leasable commercial and residential space. For Step 2.a, calculations to estimate a realistic buildout footprint relied on the proposed setbacks, heights, and residential densities contained in the Plan. Because the Plan emphasizes the importance of conditional provisions and the City's design review process, larger setbacks were applied to larger parcels to account for the provision of on-site public amenities that would likely be required through the approval process and the proposed Plan's menu-of-standards system. Similarly, parcels that utilized the conditionally allowed higher building heights allowed under the Plan were given a larger setback to reflect a likely outcome of the design review and approval process. For parcels with no standard setback or open space requirement, 10 percent of the parcel area was subtracted to allow for on-site circulation. It was assumed that parking would be provided on the ground floor as podium parking. Parking assumptions were based on existing zoning requirements.

In Step 2.b, based on consultation with Seifel Consulting, it was assumed that non-residential uses would be evenly split between office and retail uses. For analytical purposes and to reflect the intent of the proposed Plan, it was as-

² Plan Area acreage does not include streets. With streets, the Plan Area comprises 297 acres.

³ Plan Area acreage does not include streets. With streets, the Plan Area comprises 297 acres.

sumed that buildings would contain ground-floor, non-residential uses, with residential uses on upper stories.

Step 2.c uses buildout projections that implement Land Use Goal 5 of the Plan, and the associated Policy LU-5.1 and programs, which promote character-appropriate mixed-use development within the various districts of downtown Lafayette. As a result, the buildout projections assume that each site would be built as mixed-use, leasable groundfloor space needed to be adjusted to allow for access points for upper-floor residential uses, and groundfloor residential areas. Forty percent of leasable ground-floor area was subtracted to account for miscellaneous spaces such as corridors, stairways, closets, wall thickness, lobbies, store rooms, elevators, HVAC and mechanical systems, and access points to upper floors. This 40 percent reduction was based on the assumption that all buildings would be mixed-use; in mixed-use buildings, a significant amount of ground floor space is lost to allow for shared ground-floor spaces, infrastructure, and access points to higher floors. In all instances, it was assumed that buildings would be built to the tallest, or maximum, height allowed under the Plan. For example, if the Plan allows a height of 35 feet by right for a certain parcel and 43 feet with additional conditions, a height of 43 feet would be used. It was assumed that sites would be built to the maximum allowable residential density on the upper floors, with an average unit size of 1,000 square feet, which is considered to be a small unit size for Lafayette (and therefore translates to a higher housing unit projection).

Step 3, to reflect typical development density, was used to reflect the fact that development does not always build out to the maximum allowable density. For the Draft EIR, it was assumed that development projects would build out to 80 percent of the maximum capacity. A variety of factors can influence how intensively a plan would be built out. Based on consultation with Seifel Consulting, an average of 80 percent was used. This is supported by research that has found that the scale of built development in relationship to allowable density varies between 55 percent and 79 percent of planned capacity, and varies based on the size of a city (with smaller cities building out to lower densities), whether development is subject to a General Plan or Specific Plan

(with development under General Plans being more scaled back), and whether projects are multi-family or single-family (with single-family projects being more scaled back), among other factors. The 80 percent assumption used in the building projections is at the high end of this typical 55 to 79 percent range. Because the Plan Area contains a unique mix of factors, such as a diversity of housing types, being in proximity to lower density residential neighborhoods, and being a downtown infill environment in a semi-rural community, the 80 percent assumption is considered to be an appropriate approach for the Plan.

As shown on page 3-19 of the Draft EIR, under this methodology it is estimated that the Plan would result in a buildout of 1,765 housing units, 180,000 square feet of commercial space, and 180,000 square feet of office space in the Plan Area. As stated above, the buildout projections assume a high rate of redevelopment in the Plan Area. Given past development trends in Lafayette, City staff and the EIR consultant team believe to be a high amount of development. City staff and the EIR consultant team do not expect that the buildout projections used in the Draft EIR will actually build out over the next 20 years, and instead used these numbers to provide an environmentally conservative analysis.

2. Buildout Projections for the Alternatives to the Plan

Comments received on the Draft EIR asked for clarification regarding the buildout calculations for the alternatives to the Plan, which are evaluated in Chapter 5, Alternatives, of the Draft EIR. The methodology used for calculating the buildout of the alternatives varied for the No Project Alternative and the other alternatives. For the No Project Alternative, the City's existing buildout projections were used because a detailed methodology has already been developed by the City to analyze development under the City's General Plan. As stated in the Draft EIR, buildout under the No Project Alternative was calculated using 2008 citywide General Plan buildout numbers presented in Appendix Table 1 of the *Walkways Impact Fee Report* prepared by Seifel Consulting. These 2008 figures were based on the citywide buildout numbers contained in the City's 2002 General Plan Housing Element. The 2002 Hous-

ing Element projections were adjusted by Seifel Consulting in 2008 to include new second units and to account for recent units built (based on building permit data provided by City staff). For the Draft EIR No Project Alternative projections, these 2008 citywide projections were first updated to reflect recent units built, to arrive at a projection beginning in 2010. Next, Census block group data for the downtown was used to scale these citywide numbers down to the Plan Area only. As shown in Table 5-1 of the Draft EIR, under this methodology the No Project Alternative is expected to result in 730 housing units, 138,000 square feet of retail space, and 138,000 of office space.

The buildout calculations for the Lower Density Alternative and Higher Density Alternative were based on the same methodology developed for the EIR and used to calculate the buildout of the Plan, as described in detail in the previous section. As shown in Table 5-1 of the Draft EIR, it is estimated that the Lower Intensity Alternative would result in 1,740 housing units, 175,000 square feet of retail space, and 175,000 square feet of office space, and that the Higher Intensity Alternative would result in 2,410 housing units, 245,000 square feet of retail space, and 245,000 square feet of office space.

Several comments were received on the Draft EIR requesting that the buildout for the No Project Alternative be calculated using the same methodology used for the Plan, Lower Intensity Alternative, and Higher Intensity Alternative. Using this same methodology, the EIR consultant finds that buildout under the No Project Alternative would result in 1,550 housing units, 175,000 square feet of retail, and 250,000 square feet of office space. Table 5-1 compares the buildout projections for the Plan and the Plan alternatives, under the same methodology.

D. Master Response 4: Existing Regulatory Framework Related to Aesthetics

During the public review period for the Draft EIR, members of the public submitted several comments related to the issue of aesthetics. Some comments requested that the regulatory framework discussion in Chapter 4.1,

TABLE 5-1 **COMPARISON OF BUILDOUT FIGURES**

	Proposed Plan	No Project Alternative^a	Lower Intensity Alternative	Higher Intensity Alternative
Housing Units	1,765	1,550	1,740	2,410
Persons ^b	4,589	4,030	4,524	6,300
Retail Square Footage	180,000	175,000	175,000	245,000
Office Square Footage	180,000	250,000	175,000	245,000

^a Buildout for the No Project Alternative is based on the methodology developed by the EIR consultant and used to calculate the buildout of the Plan, Lower Intensity Alternative, and Higher Intensity Alternative. In the Draft EIR, the buildout for the No Project Alternative is based on buildout projections developed by the City. Under the buildout methodology developed by the City, it is estimated that the No Project Alternative would result in 730 housing units, 1,898 persons, 138,000 square feet of retail space, and 138,000 square feet of office space.

^b Persons are calculated based on an average household size of 2.6 for all buildout scenarios.

Aesthetics, of the Draft EIR be expanded. Other comments expressed a concern that the Draft EIR relies too heavily on the existing design review process as a means of avoiding adverse effects on the visual quality and aesthetics of the downtown. As described on pages 4.1-14 to 4.1-15 of the Draft EIR, the aesthetics impact discussion includes five simulations of new development under the Plan to approximate the potential aesthetic impacts in the Plan Area. The visual simulations provide a conceptual representation of general massing, form, and height and a cursory experience of the street level ambience. In addition to the analysis of visual simulations, the impact discussion in the Draft EIR cites policies and development standards proposed by the Plan that would guide new development, as well as existing policies, procedures, and regulations that would apply to new development. It is common for an EIR to cite the implementation of existing procedures and regulations as a means to find that a significant impact could be avoided. In the case of the aesthetics impact analysis of this EIR, the existing design review procedures are not the sole means for finding a less-than-significant impact. Rather, as stated in the Draft EIR, the Plan includes several development standards

and policies that when implemented would avoid significant aesthetic impacts. Existing design review requirements would provide a further check on development to ensure that proposed development is closely reviewed for its design quality and contextual relationships to adjoining land uses and buildings.

Although the Draft EIR does not rely solely on the existing regulatory framework as a means of determining the aesthetic impacts would be less than significant, this master response provides a thorough description of the regulatory process so that members of the public can more fully understand the policies, regulations, and procedures that apply to development in downtown Lafayette. The regulatory framework related to aesthetics in downtown Lafayette is summarized on pages 4.1-1 to 4.1-4 of the Draft EIR. This section of Chapter 4.1 has also been expanded, as shown in Chapter 3 of this Final EIR. Aesthetics are regulated at the local level; therefore, the regulatory framework discussion in Chapter 4.1 only contains policies, regulations, and procedures adopted and enforced by the City. These existing policies, regulations, and procedures are currently enforced in the city and would continue to apply to new development in downtown Lafayette whether or not the Plan is adopted.

As described in Chapter 4.1, existing policies, regulations, and procedures relevant to aesthetics are contained in the City's existing General Plan and Municipal Code. Relevant sections of these two documents are described below.

1. Lafayette General Plan

As described in Chapter 4.1 of the Draft EIR, the Lafayette General Plan includes several policies that are relevant to an evaluation of the visual quality of the Plan. All projects in the downtown would have to be found consistent with the General Plan before they are approved. Key goals, policies, and programs from the Lafayette General Plan are contained in Table 4.1-1 of the Draft EIR. Table 4.1-1 has also been revised to include additional programs,

as shown in Chapter 3 of this Final EIR). The goals, policies, and programs contained in Table 4.1-1 are listed below:

- ◆ *Goal LU-1: Protect the character and patterns of development of residential neighborhoods.*
 - Policy LU-1.1: Scale: Development shall be compatible with the scale and pattern of existing neighborhoods.
 - Program LU-1.1.2: Adopt regulations to address the height, bulk, and scale of single-family development. Such regulations would apply to additions that substantially alter the existing appearance or size of a structure.
- ◆ *Goal LU-7: Encourage Downtown development which is attractive and enhances Lafayette's community identity and small town character.*
 - Policy LU-7.1: Design: Ensure that site planning, architecture, color, materials and landscaping contribute to the community identity and small town character.
 - Program LU-7.1.1: Require design review approval of commercial development proposals to ensure high-quality, cohesive, and compatible building and site design.
 - Program LU-7.1.3: Encourage cooperation among business and property owners in parking lot design to minimize driveways, optimize parking, and facilitate more integrated site planning.
 - Program LU-7.1.4: Provide accessible open space in commercial development.
 - Program LU-7.1.5: Provide pedestrian amenities such as benches, bike racks, public art.
 - Policy LU-7.7: Scenic Views: Preserve scenic views of Mt. Diablo and hillsides from Downtown Lafayette.

While it is not possible to entirely prevent some blockage of scenic views downtown, it is important to preserve intermittent views of the surrounding hillsides and ridges from Mt. Diablo Boulevard. Scenic

views can be preserved by maintaining a variety of building heights, providing open view corridors between buildings, and utilizing setbacks and building height limits.

- Program LU-7.7.1: Utilize Map I-5: Scenic View Corridors as a guide to protecting and enhancing scenic views in the development process.
- Program LU-7.7.2: The impact on view corridors shall be carefully evaluated when reviewing development proposals for buildings and signs.

Map I-5: Scenic View Corridors of the General Plan, contained in the Draft EIR as Figure 4.1-1, designates three types of scenic views to be protected from downtown Lafayette: views looking north, east, and south. Views looking simultaneously north, east, and south from the BART station platform are also designated in the General Plan. Policy LU-7.7 of the General Plan, listed above, states that scenic views of Mt. Diablo and hillsides should be preserved, but also acknowledges that it is not possible to prevent all blockage of scenic views. Program LU-7.7.1 in the General Plan, listed above, calls for Map I-5 of the General Plan to be used by the City as a guide for protecting and enhancing scenic views in the development process. Consistent with Program LU-7.7.1, the five viewpoints selected for the visual simulations contained in the Draft EIR were selected by the Planning Commission based on Map I-5.

2. City of Lafayette Municipal Code

Applications for development in downtown Lafayette are subject to existing provisions in the Municipal Code. The Lafayette Municipal Code provisions relevant to aesthetics in the Plan Area are located in Title 6. Part 3 of Title 6 contains specific development requirements, such as setbacks, for each of the City's zoning districts. Chapter 6-2, Article 5 in Part 1 of Title 6 contains design review requirements. Chapter 6-19 in Part 4 of Title 6 outlines design review of structures over 17 feet in height. Chapter 6-25, Article 2 in Part 5 of Title 6 contains light and glare provisions.

Chapter 6-2, Article 5, Section 6-271 of the Lafayette Municipal Code requires that the following projects be subject to design review:

- ◆ New construction, exterior remodeling, or any change to a structure or facility which affects the exterior appearance, and which occurs in a multiple-family or commercial land use district (site plan and building elevations applications).
- ◆ A project or construction for which design review is required as a condition of approval.
- ◆ Any other projects for which design review is required.
- ◆ New single-family residential construction which exceeds 6,000 square feet in gross floor area or an addition to an existing residence which will increase its gross floor area to over 6,000 square feet and which occurs in a single-family residential district.

Section 6-274 requires plans for new development to be evaluated on the following:

- ◆ Height, mass, lot coverage, setback, and relationship of structures.
- ◆ Site plan, including orientation and location of structures to one another and to open spaces and topography; definition of vehicular and pedestrian areas.
- ◆ Design of special features such as walls, screens, fences, street furniture, signs, lighting; concealment and sound protection of equipment (mechanical, electrical, solar energy), utilities and other exterior appurtenances.
- ◆ Continuity of design in the composition of structures and the use of materials and colors.
- ◆ Design relationship of the proposed plan to neighboring properties and structures.
- ◆ Landscaping plan, including the preservation of existing trees, the size and hardiness of trees and plants, the plans for irrigation and maintenance.

nance, and the degree to which landscaping complements the structure(s) and terrain; all in accordance with the guidelines in “Trees for Lafayette.”

- ◆ Drainage systems.
- ◆ Use of passive or active solar energy.
- ◆ Adequacy of traffic circulation and parking.

Section 6-275(a) requires that all of the findings be made prior to design review approval:

- ◆ Every provision of this chapter is complied with.
- ◆ The approval of the plan is in the best interest of the public health, safety, and general welfare.
- ◆ General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development.
- ◆ General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements have been incorporated in order to ensure the compatibility of this development with its design concept and the character of adjacent buildings.
- ◆ General landscape considerations, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to ensure visual relief, to complement buildings and structures and to provide an attractive environment for the enjoyment of the public.

Chapter 6-19 of the Municipal Code intends to implement the General Plan’s vision of maintaining the semi-rural character of Lafayette by minimizing loss

of light and privacy and “out-of-scale” appearance by new large structures, maintaining the existing character of established residential neighborhoods, and permitting reasonable expansion of existing structures. Chapter 6-19 requires new developments taller than 17 feet in a single-family residential land use district to be subject to design review. The design review process is intended to prevent projects that negatively impact the existing scale, style, and established character of the neighborhood; appear too tall or massive; or reduce the privacy or views of adjacent properties. The Plan Area does not contain many parcels with single-family development; these provisions would apply to new structures on a small number of parcels in the southern and eastern ends of the Plan Area.

Chapter 6-25 Article 2, Section 6-2526 of the Municipal Code, creates criteria for design review for commercial signage to ensure that new signs are simple, architecturally compatible with surrounding buildings, and do not overpower adjacent land uses through illumination and color intensity. Furthermore, the Code adopts as reference Contra Costa County provisions that pertain to light and glare as a form of public nuisance. Article 76-4.612 of the County Code prohibits lighting fixtures that will blind pedestrians or vehicular traffic or result in glare on adjoining property.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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I. STATE AND REGIONAL AGENCIES

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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DEPARTMENT OF TRANSPORTATION

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Ms. Ann Merideth
City of Lafayette
3675 Mt. Diablo Boulevard, Suite 210
Lafayette, CA 94549

Dear Ms. Merideth:

Downtown Lafayette Specific Plan- Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review process for the City of Lafayette Downtown Specific Plan Project. We have reviewed the Environmental Impact Report (EIR) and have the following comments to offer:

1-1

Traffic Safety

The mitigation measure TRAF-4 on page 4.13-50 proposes to re-stripe Deer Hill Road to add a third eastbound through lane, which approaches the intersection of Deer Hill Road and State Route 24 westbound ramps. This mitigation measure needs to study the potential impacts to the bicyclists and pedestrians at this location. There is an existing bicycle lane on Deer Hill Road at this intersection. This will eliminate an existing class 2 bicycle facility that provides connectivity to other bike lanes, creating a gap in the local bike network.

1-2

Traffic Impact Study

Please include in the Traffic Study the intersections of Acalanes Road at State Route 24 westbound ramps and Pleasant Hill Road at State Route 24 westbound ramps.

1-3

We would like to see the freeway mainline comparison table including the density and Level of Service (LOS) information on tables 4.13-12 and 4.13-16.

1-4

Mitigation measures should be identified where plan implementation is expected to have a significant LOS impact. Mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring. The fair share of funding and responsibilities mentioned on page 4.13-24 do not adequately account for future development and over saturation on State Route 24.

1-5

Ms. Ann Merideth/City of Lafayette
February 26, 2010
Page 2

Encroachment Permit

Any work or traffic control within the State right of way (ROW) requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information:

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please call me at (510) 622-5491.

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

1-6

LETTER 1

Lisa Carboni, District Branch Chief, Local Development – Intergovernmental Review. California Department of Transportation. February 26, 2010.

Response 1-1

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 1-2

The comment states that Mitigation Measure TRAF-4 needs to consider potential impacts to bicyclists and pedestrians on Deer Hill Road. The existing Class 2 bicycle facility, or bike lane, on eastbound Deer Hill Road at the intersection of the State Route 24 westbound ramps could be maintained by: 1) limiting the proposed additional eastbound through lane approaching the intersection to a maximum length of approximately 150 feet extending west from the intersection limit line; and 2) widening of Deer Hill Road east of the intersection as described for this proposed mitigation in the last paragraph on page 4.13-42 of the Draft EIR. However, the proposed eastbound configuration, with two of the three through lanes at this intersection becoming right-turn lanes approaching the intersection with First Street, would require bicyclists continuing through on Deer Hill Road east of First Street to cross over two lanes of traffic.

This mitigation could result in potential issues for bicycle and pedestrian facilities, as well as for the property required for the widening described in the Draft EIR. The subject property on Deer Hill Road was recently approved by the City for use as an off-site parking facility for the future Whole Foods market (near First Street and Mount Diablo Boulevard), to accommodate the employee parking needs of that development. As noted in the Draft EIR text for Mitigation Measure TRAF-4 on pages 4.13-50 to 4.13-51, because the property constraints of the required widening may make this mitigation not feasible, the Plan's impact at this location would be significant and unavoidable. Additionally, as shown in Chapter 3 of this Final EIR, Section A.4.c.v, "Deer

Hill Road/State Route 24 Westbound Ramps,” on pages 4.13-42 to 4.13-44 of the Draft EIR, and the paragraph with the heading “Mitigation Measure TRAF-4” on page 4.13-50, have been revised to state more directly that this mitigation is considered infeasible, and that no feasible mitigations are available to reduce this impact to less-than-significant.

Response 1-3

The comment requests that the traffic study include the intersections of Acalanes Road at the State Route 24 westbound ramps and Pleasant Hill Road at the State Route 24 westbound ramps.

The Acalanes Road ramp connections with westbound State Route 24 are loop ramps with continuous flow movements to and from Acalanes Road. The westbound on-ramp is accessed by a free right turn from northbound Acalanes Road. The westbound off-ramp merges freely onto southbound Acalanes Road. The Plan would add less than 35 peak hour trips to the on-ramp, and less than 10 peak hour trips to the off-ramp. These ramps and their connections with Acalanes Road have ample capacity available and would not be impacted by additional traffic from the Plan.

The Pleasant Hill Road ramp connections with westbound State Route 24 are loop ramps and direct ramps with continuous flow movements to and from Pleasant Hill Road. The westbound on-ramps are accessed by free right turns from Pleasant Hill Road. The westbound off-ramps merge freely onto Pleasant Hill Road. Only the two westbound loop ramps connect the westbound freeway to and from the south on Pleasant Hill Road, which is the direction for accessing the Plan Area. The Plan would add less than 10 peak hour trips to the loop on-ramp and less than 40 peak hour trips (approximately 20 AM peak hour trips) to the off-ramp. These ramps and their connections with Pleasant Hill Road have ample capacity available and would not be impacted by additional traffic from the Plan.

Response 1-4

The comment requests a freeway mainline comparison table, including the density and Level of Service (LOS) information, on Tables 4.13-12 and 4.13-16 of the Draft EIR. Tables 4.13-12 and 4.13-16 have been revised accordingly, as shown in Chapter 3 of this Final EIR. The LOS results presented in the revised tables are consistent with the Delay Index results presented in the Draft EIR. The density and LOS results do not add significant new information to the analysis of the Plan's impacts on traffic as presented in the Draft EIR.

Response 1-5

The comment states that mitigation measures should be identified where Plan implementation is expected to have a significant LOS impact. The comment states that mitigation measures should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring. The comment states that the fair share funding and responsibilities referenced on page 4.13-24 of the Draft EIR do not adequately account for future development and over saturation on State Route 24.

Mitigation measures for the Plan's significant impacts on LOS are identified in the Draft EIR. However, as discussed in the Draft EIR, many of these mitigation measures are considered infeasible for various reasons, including potential effects on other public facilities, inconsistencies with various adopted policies, need for approvals from other agencies or jurisdictions that cannot be guaranteed, and lack of identified funding for the portion of mitigation cost beyond the Plan's fair share. In regard to State Route 24, which is the Caltrans-controlled facility impacted by the Plan, the mitigation issues are addressed on page 4.13-47 of the Draft EIR (not page 4.13-24, as stated in the comment). As stated in the Draft EIR, constructing the additional freeway lane capacity needed to mitigate impacts on State Route 24 would be extremely expensive and disruptive. Caltrans is preparing a Corridor System Management Plan that may propose high-occupancy vehicle (HOV) lanes, but the feasibility, schedule, and funding for any such a project are unknown at this time. Additionally, Caltrans has not developed any traffic mitigation fee program for such capacity expansion. Therefore, such mitigation is not

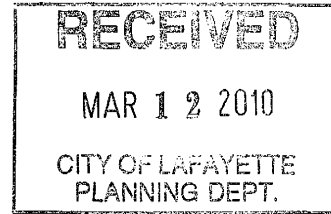
considered feasible, and the Plan's impact on State Route 24 would be significant and unavoidable.

Additionally, State Route 24 traffic capacity is constrained by the Caldecott Tunnel to the west and the Interstate 680 interchange to the east. No plans to further expand these facilities are currently being considered, except the addition of a fourth bore at the tunnel (under construction), which would not affect traffic conditions in the peak commute travel direction. The *Lamorinda Action Plan*, consistent with the Draft EIR analysis, concludes that State Route 24 traffic would continue to exceed acceptable thresholds. The transit-oriented, mixed-use development pattern proposed in the Plan would support efforts to maximize BART use and other alternatives to auto travel on State Route 24. The Plan also includes policies and programs to support development of transit to provide service to and from the Plan Area (see Section 7.4 of the Plan, Circulation Goal 4), and transportation demand management (TDM) measures (see Section 7.6, Circulation Goal 6).

For those mitigation measures proposed in the Draft EIR that are considered feasible, information regarding financing, scheduling, implementation responsibility, and lead agency monitoring will be provided in the mitigation monitoring and reporting program that will be developed and adopted by the City through the EIR certification process, as required under Section 15097 of the CEQA Guidelines.

Response 1-6

The comment states that any work within a State right-of-way requires an encroachment permit. An encroachment permit application would be submitted to Caltrans for any work or traffic control within the State right-of-way associated with proposed mitigations.



March 10, 2010

Ann Merideth, Community Development Director
City of Lafayette
3675 Mount Diablo Boulevard, Suite 210
Lafayette, CA 94549

Re: Notice of Availability of a Draft Environmental Impact Report -- Downtown
Lafayette Specific Plan, Lafayette

Dear Ms. Merideth:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Downtown Lafayette Specific Plan. EBMUD provided a written response to the City of Lafayette on June 30, 2009 (see enclosure) regarding the Notice of Preparation of a Draft EIR for the Downtown Lafayette Specific Plan; these comments still apply.

2-1

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

Bill Maggion for WRK

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:sb
sb10_046.doc

Enclosure



June 30, 2009

Ann Merideth, Community Development Director
City of Lafayette
3675 Mount Diablo Blvd., Suite 210
Lafayette, CA 94549

Re: Notice of Preparation of a Draft Environmental Impact Report -- Downtown
Lafayette Specific Plan, Lafayette

Dear Ms. Merideth:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Downtown Lafayette Specific Plan. EBMUD has the following comments.

WATER SERVICE

The Notice of Preparation does not reference specific development projects. Any development project associated with the Downtown Lafayette Specific Plan will be subject to the following general requirements.

Main extensions that may be required to serve any specific development projects that will provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. All project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipeline and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

Please note that depending on the size and/or square footage, the lead agency for future individual projects within the General Plan, Specific Plan, and Zoning Ordinance areas should contact EBMUD to request a Water Supply Assessment (WSA) that meets the threshold of a WSA pursuant to Section 15155 of the California Environmental Quality Act Guidelines, and Section 10910-10915 of the California Water Code. EBMUD requires project sponsors to provide future water demand data

2-2

Ann Merideth, Community Development Director
June 30, 2009
Page 2

and estimates for individual project sites for analysis of the WSA. Please be aware that the WSA can take up to 90 days to complete from the day on which the request is received.

2-2
cont.

WATER RECYCLING

EBMUD's Policy 8.01 requires that customers use non-potable water for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wild life to offset demand on EBMUD's limited potable water supply. The downtown Lafayette area is located within EBMUD's recycled water service boundaries. As part of the water supply planning, EBMUD will consider the feasibility of providing recycled water to Downtown Lafayette for appropriate uses including landscape irrigation, commercial applications, industrial process uses, and other applications. EBMUD recommends that the City require developers of new or redevelopment projects within the City to coordinate and consult with EBMUD regarding the feasibility of providing recycled water for appropriate non-potable purposes.

2-3

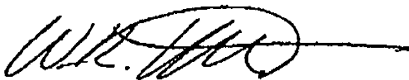
WATER CONSERVATION

Individual projects within the City's Specific Plan may present an opportunity to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project sponsor comply with the City's Efficient Landscape Requirements and Water Conservation Ordinance. Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

2-4

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:djr
sb09_144.doc

LETTER 2

William R. Kirkpatrick, Manager of Water Distribution Planning. East Bay Municipal Utility District. March 10, 2010.

Response 2-1

The commentor states that the East Bay Municipal Utility District (EBMUD) responded to the Notice of Preparation of the Draft EIR and that those comments still apply. The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 2-2

The comment states that main extensions required to supply specific development projects in the Plan Area would be at a project sponsor's expense, as would off-site pipeline improvements, and pipeline and fire hydrant relocations and replacements due to modifications of existing streets. The comment also points out that Water Supply Assessments (WSAs) would be required for projects that meet the legally established threshold.

General Plan Program LU-20.7.2, which applies to developments in the Plan Area, requires that developers enter into agreements in accordance with the regulations and ordinances of the EBMUD and pay for the cost of potable water infrastructure required for a project. The comment is noted. However, it does not address the adequacy of the Draft EIR, and no further response is necessary.

Response 2-3

The comment states that EBMUD will consider the feasibility of providing recycled water for uses including landscape irrigation, commercial applications, and industrial processes, and requests that the City require developers to consult with EBMUD regarding the feasibility of providing recycled water for appropriate non-potable purposes. General Plan Program OS-8.1.3, which applies to developments in the Plan Area, calls for the use of reclaimed

water for irrigation when it becomes available in Lafayette, consistent with the City's recycled water ordinance (Chapter 11.6 of the Lafayette Municipal Code). The comment is noted. However, it does not address the adequacy of the Draft EIR, and no further response is necessary.

Response 2-4

The comment requests that the City make compliance with the City's Efficient Landscape Requirements and Water Conservation Ordinance a condition of approval for developers seeking permits in the Plan Area. General Plan Program OS-8.1.1, which applies to developments in the Plan Area, requires the implementation of the City's Water Conservation Ordinance and Program OS-8.1.2 encourages the use of water-saving devices for residential uses. The comment is noted. However, it does not address the adequacy of the Draft EIR, and no further response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Jane Kao [mailto:jkao@pw.cccounty.us]
Sent: Tuesday, March 16, 2010 3:01 PM
To: Merideth, Ann
Cc: Teri Rie; Tim Jensen
Subject: Lafayette Downtown Specific Plan DEIR Comments

Ms. Merideth,

We have reviewed the Draft Environmental Impact Report (DEIR) for the Downtown Lafayette Specific Plan on February 1, 2010. Thank you for addressing most of our comments for the Notice of Preparation and Initial Study, dated July 8, 2009. However, there are several comments (# 2, 8, 13, 14, and 15) that have yet been addressed. Please address these comments on the Final Environmental Impact Report. The July 8, 2009 comment letter is attached for your convenience.

3-1

We appreciate the opportunity to commented on the DEIR. If you should have any questions, feel free to contact me or Teri Rie (trie@pw.cccounty.us).

Sincerely,

Jane Y. Kao



255 Glacier Drive
Martinez, CA 94553

✉ EMAIL: jkao@pw.cccounty.us

☎ PHONE: (925) 313-2179

📠 FAX: (925) 229-7955



Contra Costa County
Flood Control
 & Water Conservation District

Julia R. Bueren,
 ex officio Chief Engineer
 R. Mitch Avalon,
 Deputy Chief Engineer

July 8, 2009

Ann Merideth
 City of Lafayette
 Redevelopment Agency
 3675 Mount Diablo Blvd, Suite 210
 Lafayette, CA 94549

Our Files: 97-25, 97-41, 97-42, & 97-68

Dear Ms. Merideth:

We have received the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Downtown Lafayette Specific Plan on June 15, 2009, and submit the following comments:

1. The Specific Plan area is within unformed Drainage Areas 25, 41, 42, and 68, mapped by the Contra Costa County Flood Control & Water Conservation District (FC District). These drainage areas have not been studied and do not have drainage fees in place. These drainage areas define the watersheds for Las Trampas Creek, which ultimately drain to Walnut Creek. 3-2
2. We request that the DEIR provide a map of the watersheds where the project is located, including watershed boundaries. 3-3
3. We recommend that the adequacy and stability of the drainage facilities within the Specific Plan area be studied to determine if local drainage design criteria are met, as well as FEMA National Floodplain Insurance requirements. If those are not met, then the DEIR should discuss the potential impacts and propose mitigation measures to address those impacts. In the Hydrology Section, please identify and show all existing watercourses, tributaries, and man-made drainage facilities within the project site that could be impacted by this project. The discussion should include an analysis of the capacity and erosion potential of the existing watercourses. 3-4
4. The Hydrology Section should quantify the amount of runoff that would be generated by the project and discuss how the runoff entering and originating from the site would be distributed between the natural watercourses, the detention basins (if proposed), and the man-made drainage facilities. 3-5
5. If detention basin facilities are proposed, please include a discussion of the basin design information, i.e., capacity, sizes of inlet and outlet structures, routing, etc. These facilities should be designed per FC District criteria. A discussion of how maintenance of these facilities would be performed and funded should also be included. 3-6

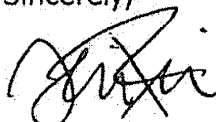
Ann Merideth
July 8, 2009
Page 2 of 3

6. The DEIR should discuss the adverse impacts of the runoff from the project site to the existing drainage facilities and drainage problems in the downstream areas, including those areas outside of the Specific Plan Area. | 3-7
7. The DEIR should discuss how the proposed development will comply with the current NPDES (National Pollutant Discharge Elimination System) requirements under the City of Lafayette's (City's) Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook. | 3-8
8. If improvements or work within the natural watercourses (Creek Greenway) are proposed, the DEIR should discuss the scope of improvements. | 3-9
9. The FC District has easement and maintenance responsibility for a portion of Lafayette Creek and Las Trampas Creek within the Specific Plan area, and therefore should be involved in the review of any proposals that will potentially impact those creeks. The FC District should also be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FC District-owned facilities. The FC District can provide technical assistance during the development of the DEIR, including hydrology and hydraulic information, trail maintenance standards, creek restoration information and HYDRO 6 modeling, under our Fee-for-Service program. | 3-10
10. Any work, including creek planting and restoration, within the FC District right of way will require a Flood Control Permit from the FC District. The DEIR should state that a flood control permit from the FC District is required for any proposed encroachment or activities within the FC District's facilities, properties, and easement areas. | 3-11
11. We recommend that the DEIR discuss the project's involvement with the environmental regulatory agencies, such as the U.S. Army Corps of Engineers, the State Department of Fish and Game, and the State Regional Water Quality Control Board to explore the permits, special conditions, and mitigation that may be necessary for development of the area. | 3-12
12. The City should develop a Drainage Master Plan for this specific area. This plan should be approved by the City and the FC District prior to allowing further development in the area. The Drainage Master Plan should include detailed hydrologic modeling of the watershed that considers land use, existing facilities, soil, and topographic data. The Drainage Master Plan should also result in a plan with descriptions of proposed flood control facilities (which typically include basins, channels, and storm drains), compliance with discharge and water quality requirements, cost estimates, and schedules. | 3-13

Ann Merideth
July 8, 2009
Page 3 of 3

- 13. We request the opportunity to review the drainage plans, the design of the Creek Greenway, an administrative draft EIR, and Final EIR for this project when they become available. 3-14
 - 14. Sections of Lafayette Creek, as proposed to become the Creek Greenway, are currently concrete channels. The City will need to obtain permission from the Natural Resources Conservation Service (NRCS), a federal agency under the United States Department of Agriculture (USDA), for any improvements within the concrete channel sections, in addition to the approval from the FC District. 3-15
 - 15. If the implementation of this project will include land transactions involving the FC District, we recommend that the project's CEQA document state that in the appropriate sections of the CEQA document. 3-16
 - 16. The FC District encourages the City to incorporate creek enhancements, such as improving the riparian corridor, incorporating public access, and creek-oriented site layout. We see this as an opportunity to enhance the habitat value of the creeks while providing an amenity to retail customers and the neighborhood. 3-17
 - 17. Design of the Creek Greenway would need to preserve or improve the current level of flood protection (conveyance and elevation) and maintenance access without increased cost or liability to the FC District. It may be preferable for the City to acquire the right-of-way from the FC District and be responsible for all future maintenance and liability. 3-18
- We appreciate the opportunity to comment on the NOP submittal and welcome continued coordination. If you should have any questions, please contact Jane Kao at (925) 313-2179 (jkao@pw.cccounty.us) or me at (925) 313-2363 (trie@pw.cccounty.us). 3-19

Sincerely,



Teri E. Rie
Associate Civil Engineer
Contra Costa County Flood Control
& Water Conservation District

TR:JK:cw
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\Lafayette Downtown Specific Plan.docx

c: Greg Connaughton, Flood Control
Tim Jensen, Flood Control

LETTER 3

Teri E. Rei, Associate Civil Engineer. Contra Costa County Flood Control District. March 15, 2010.

Response 3-1

The comment thanks the lead agency for responding to most of the comments in the July 8, 2009 letter from the Flood District for the Notice of Preparation and Initial Study; however, the comment states that five comments from the July 2009 letter have not been addressed in the Draft EIR and requests that the five comments be addressed in the Final EIR. Responses to the five unaddressed comments referenced in Comment 3-1 can be found below in responses to Comments 3-3, 3-9, 3-14, 3-15, and 3-16. No further response is necessary.

Response 3-2

The comment notes that the Plan Area is within four unformed Drainage Areas mapped by the Contra Costa County Flood Control (FC) District. The City does impose a drainage fee on new development based on a previous impact analysis. The comment does not alter the conclusions in the EIR. Therefore, no revisions to the EIR are necessary.

Response 3-3

The comment is a request that a map of the watersheds in the vicinity of the Plan Area be included in the EIR. The comment is noted. The Draft EIR has been revised, as shown in Chapter 3 of this Final EIR, to include a link to the online Atlas of Contra Costa County Watersheds, which includes a map of Las Trampas Creek watershed.

Response 3-4

The comment recommends that the adequacy and stability of drainage facilities in the Plan Area be evaluated, that impacts associated with any deficiencies be discussed, and that mitigation measures be proposed as needed. The comment also requests that all existing watercourses, tributaries, and man-

made drainage facilities within the Plan Area and potentially impacted by the Plan be shown in the EIR. Further, the comment requests that an analysis of the capacity and erosion potential of existing watercourses be included in the EIR.

The adequacy and stability of drainage facilities in the Plan Area is addressed in Chapter 4.7 of the Draft EIR, Hydrology and Water Quality. Creek bank stability, associated impacts, and relevant mitigation measures are discussed on pages 4.7-14 through 4.7-15 of the Draft EIR. On page 4.7-20 of the Draft EIR, it is noted that there are currently no significant deficiencies in the publicly-owned portion of the storm sewer system. Additionally, maps showing the location of 1999 and 2007 drainage facilities are available at the City's Planning and Building Services Division.

Figures 4.7-1 and 4.14-2 of the Draft EIR show the creeks and culverts located within the Plan Area. Erosion potential of watercourses in the Plan Area, associated impacts, and relevant mitigation measures as required by CEQA are discussed on pages 4.7-15 and 4.7-18 through 4.7-20 of the Draft EIR.

Response 3-5

The comment is a request that the EIR include a quantification of the runoff the Plan would generate as well as a discussion of runoff distribution to natural watercourses or detention basins.

The Plan does not specifically propose the building of new structures or the expansion of existing ones, therefore it is not possible to quantify the amount of runoff that could be generated by future construction or discuss distribution of associated runoff in the EIR. However, Chapter 4.7 of the Draft EIR discusses relevant State and local stormwater regulations. Developments creating or replacing 10,000 square feet of impervious surface are required to detain or infiltrate runoff so that peak flows and durations match pre-project conditions. City regulations also require the preparation of Stormwater Pollution Prevention Plans (SWPPP) for developments of that size and for businesses engaged in activities which could result in the discharge of pollutants.

Specific development and improvement subject to these regulations proposed in the Plan Area would be required to provide details of urban runoff management and distribution to natural watercourses or detention basins.

Regardless of the size of the project, the City also refers all developers to the Low Impact Design Guide in the City's Stormwater C.3 Guidebook. The Design Guide outlines an array of strategies for treating stormwater before it is discharged to creeks or municipal storm drains. There are currently no significant deficiencies in the publicly-owned portion of the storm sewer system in the Plan Area. Storm drainage facilities would continue to operate within capacity under General Plan Policy S-3.4, which would ensure adequate funding for finance improvements to storm drainage facilities. Therefore, implementation of the proposed project would not create or contribute stormwater runoff in excess of storm drainage system capacity.

Overall, the implementation of stormwater regulations and low impact guidelines is likely to result in a net decrease in impervious surface in the Plan Area, which would likely reduce the amount of runoff in the Plan Area and decrease the amount of runoff distributed to natural watercourses and detention basins, as compared to pre-project conditions.

Response 3-6

The comment is a request for detailed design information on any detention basins proposed in the Plan. The Plan, however, does not propose detention basin facilities, which would be proposed at the time that specific development and improvement projects are proposed. No further response is necessary.

Response 3-7

The comment is a request that the EIR include a discussion of the adverse impacts from runoff that could occur to existing drainage facilities or downstream drainage problems.

The Draft EIR was prepared in consultation with City of Lafayette engineers. On pages 4.7-20 and 4.12-20 of the Draft EIR, it is noted that there are currently no significant deficiencies in the publicly-owned portion of the storm sewer system and that future planned work involves upgrades for compliance with new codes. As discussed above in response to Comment 3-5, the Plan does not propose any specific structures for construction. However, as the Plan Area is largely developed and future development which creates or replaces 10,000 square feet of impervious surface would be subject to Provision C.3 guidelines for stormwater control, no adverse impacts to existing drainage facilities or downstream drainage problems are expected from buildout of the Plan.

Response 3-8

The comment is a request that the EIR demonstrate how proposed development would comply with NPDES stormwater management requirements. As discussed above, the Plan does not propose development of any specific buildings or structures. However, Chapter 4.7 of the Draft EIR discusses relevant State and local stormwater regulations which require the preparation and implementation of Provision C.3-compliant Stormwater Control Plans and Stormwater Pollution Prevention Plans. Future development in the Plan Area subject to these regulations would be required to demonstrate compliance with NPDES stormwater management requirements under the City of Lafayette Stormwater Management and Discharge Ordinance and the C.3 Guidebook.

Response 3-9

The comment is a request that the scope of improvements proposed within natural watercourses be included in the EIR. The Plan does not propose specific improvements within natural watercourses.

Response 3-10

The comment notes that the FC District has easement and maintenance responsibility for a portion of Lafayette Creek and Las Trampas Creek within the Plan Area and that the FC District should therefore be involved in the

review of proposals with the potential to impact these creeks. FC District jurisdiction is noted on pages 4.7-4 through 4.7-5 of the Draft EIR. The comment is noted.

Response 3-11

This comment notes that work within the FC District right-of-way would require a Flood Control Permit from the FC District. This information is conveyed on pages 4.7-4 through 4.7-5 of the Draft EIR.

Response 3-12

The comment requests that the EIR discuss the regulatory framework applicable to the Plan. A detailed discussion of the regulatory authority of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game is provided in Section A.1.b of Draft EIR Chapter 4.14, under Wetlands and Other Waters of the United States. The extent of known potential jurisdictional waters in the Plan Area is described in Section B.4 and indicated in Figure 4.14-2. An assessment of potential impacts is provided under Section D.3, Adverse Effect on Federally Protected Wetlands. As concluded on page 4.15-35, no adverse impacts on jurisdictional waters are anticipated as part of Plan implementation. While no adverse affects are anticipated, if modifications to wetlands and other waters are required as part of future development proposals, appropriate mitigation would be required as part of the permit authorizations from jurisdictional agencies. No additional mitigation in the Draft EIR is considered necessary.

Response 3-13

The comment is a request that the City develop and adopt a Drainage Master Plan for the Plan Area, including detailed hydrologic modeling of the watershed and descriptions of proposed flood control facilities, compliance with discharge and water quality regulations, cost estimates, and schedules. The City developed and adopted a Drainage Master Plan in 1998. Additionally, the City recently raised its drainage impact fee to ensure the continued viability of the Plan.

Response 3-14

The comment is a request to review drainage plans, Creek Greenway designs, an administrative Draft EIR, and a Final EIR for the proposed project. The proposed project is the Downtown Lafayette Specific Plan, which does not propose any specific structures for construction, and does not call for Creek Greenways. Creek Greenways would be protected by the Plan under Natural Resources Goal 1 and Policy DC-3.2, which recognize creeks in the downtown as natural resources and amenities that contribute significantly to the downtown character. Natural Resources Policy 1.1 maintains creek setback standards to encourage restoration of the riparian habitat and Policy NR-1.2 calls for the City to provide physical or visual access to creek corridors. Additionally, Plan Program DC-3.2.3 incentivizes commercial and multifamily uses to protect and enhance creek corridors for their natural value and for public use.

Therefore, there are no drainage plans or Creek Greenway designs that can be reviewed. The FC District has already reviewed the Draft EIR for the Plan and will be invited to review the Final EIR.

Response 3-15

The comment provides information regarding regulations applicable to concrete channels. The comment is noted. No detailed plans have been developed addressing access or improvements along Lafayette Creek and other drainages in the Plan Area. Appropriate authorizations would be required where modifications are proposed to the existing bed and/or bank of creeks, including segments that are currently concrete-lined.

Response 3-16

The comment recommends that any proposed land transactions involving the FC District be identified in the EIR. The Plan does not propose any specific land transactions.

Response 3-17

The comment states that the FC District encourages the City to incorporate creek enhancements. The comment is noted. As indicated on page 4.14-33 of the Draft EIR, Natural Resources Goal 1 and Policies NR-1.1 and 1.2 address protecting creek corridors, improving physical and visual access, and encouraging restoration of riparian habitat.

Response 3-18

The comment suggests that as design of the Creek Greenway would, at a minimum, need to maintain the current level of flood protection and maintenance access without increased cost to the FC District, it would be preferable for the City to acquire right-of-way to portions of the creeks where improvements are to be made. The comment is noted. Ownership of right-of-way to creeks will be determined during the consideration of specific projects based on the details of the projects.

Response 3-19

The commentor expresses appreciation for the opportunity to comment and welcomes continued coordination. The comment serves as a closing remark to the preceding comments, thus no response is necessary apart from the responses to the comments above.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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II. LOCAL AGENCIES

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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LETTER #4

CITY COUNCIL

Brandt Andersson, Mayor
Carl Anduri, Vice Mayor
Mike Anderson, Council Member
Carol Federighi, Council Member
Don Tatzin, Council Member

March 2, 2010

Ann Merideth, Community Development Director
City of Lafayette
3675 Mt. Diablo Blvd., Suite 210
Lafayette, CA 94549

Dear Ms. Merideth:

Thank you for the opportunity to provide comments on the January 26, 2010 Draft Environmental Impact Report for the Downtown Lafayette Specific Plan (DEIR). The Circulation Commission discussed and developed its comments over the course of two meetings on February 16 and March 1, 2010. The attached table contains all of the Commission's comments. Please feel free to contact me or Leah Greenblat, Transportation Planner, should you have any questions.

4-1

Sincerely,

Cindy Sevilla
Circulation Commission Chair

Enclosure

cc: Lafayette Planning Commission
Lafayette Circulation Commission

Circulation Commission Comments on the DEIR for the Revised, Draft Downtown Specific Plan

Item	Page/Location	Issue	Recommendation	
1.	4.13-1	There are several ways of generating LOS results. It is unclear whether the DEIR used a stand alone LOS analysis or used a simulation approach that combines intersections. The simulation approach, while more involved to do, does provide a more realistic result in congested areas. Fehr and Peers analysis used the simulation approach.	Clarify whether stand alone or simulation LOS analysis was used. Consider using the simulation method to provide a more realistic analysis of the congested areas.	4-2
2.	4.13-3, Table 4.13.1	The City's adopted LOS Good D and Poor D is not defined in the table.	Revise Table 4.13.1 by subdividing the LOS D row and include description and average control delay for Good D 35-45 seconds and Poor D 45-55 seconds.	4-3
3.	4.13-3, last bullet	Caltrans also controls the intersections at its on and off ramps and the operation traffic signals at those locations.	Revise last sentence, "(Caltrans) controls the design, operation and maintenance of freeways and State highways <i>including intersections and traffic signals at on and off ramps in Lafayette.</i>	4-4
4.	4.13-6, Fig. 4.13-1	This figure should show the outline of the Study Area, the Plan Area and which intersections are considered inside and outside of the Downtown.	Modify figure.	4-5
5.	4.13-7, a. Plan Area Roadway Network and throughout	As used, the phrase "route of regional significance" could be misconstrued.	Revise second sentence to read, "State Route 24 and Pleasant Hill Road north of State Route 24 are <i>designated by the Contra Costa Transportation Authority as Routes of Regional Significance</i> considered to be routes of regional significance. "	4-6
6.	4.13-7, 1 st bullet	In the second to last sentence: The year should be stated as to when SR24 carried 160,000 vehs./day.	Cite the date of the traffic count.	4-7

Item	Page/Location	Issue	Recommendation
		This sentence also is misleading in stating that the SR24 carries "...vehicles per day through downtown Lafayette."	Revise sentence to delete "downtown."
7.	4.13-8, 1 st bullet	In addition to connecting the Town of Moraga with Mt. Diablo Blvd., Moraga Rd. also provides a connection for residents of southern Lafayette.	Revise first sentence, "...connecting Mount Diablo Boulevard on the north with <i>southern Lafayette and</i> the Town of Moraga..."
8.	4.13-8, 3 rd bullet	When First St. changes to a 1-way street, it only has 1 travel lane.	Revise last sentence, "...it becomes a <i>one-lane, one-way southbound roadway...</i> "
9.	4.13-8, 4 th bullet	The character of Oak Hill Road is significantly different north of Deer Hill Road.	Add a sentence to the end of the paragraph, "North of Deer Hill Road, Oak Hill Road is a two-lane road that provides local access."
10.	4.13-10, Table 4.13-4	See discussion in staff report regarding designation of intersections as either Downtown or Outside	Evaluate Study Intersections # 13, 14, 20 and 25 as if they were designated Downtown Intersections. Consider revising General Plan's definition of Downtown Intersections.
11.	4.13-11, Fig. 4.13-2 and throughout	On the map, it is not clear which intersections are designated as Downtown and which Outside Downtown	On the map, graphically depict the two Downtown and Outside intersections.
12.	4.13-16, Table 4.13-5 and 4.13-36, Table 4-13-15	The DEIR does not clearly differentiate the magnitude of the LOS F classification. The seconds of delay of an LOS F near LOS E is significantly different than an LOS F of 247 seconds of delay.	Explain in terms of real-life experience what the existing condition of LOS F at School St. and Moraga Road in 2010 feels like with a mid-day delay of 124.1 seconds vs. a Cumulative Plus Project delay of 247.2 seconds. Describe what this means in terms of backup and length of time to reach Mt. Diablo Blvd. from certain target distances, such as Silver Springs or Rheem. State whether the LOS for Plan build-out could best be

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Item	Page/Location	Issue	Recommendation	
			described as FF. If not, why not?	4-13 cont.
13.	4.13-17	Transportation-related impacts are closely related to Air Quality impacts. The proposed plan encourages walking and biking, yet in Section 4.2 of the DEIR, a mitigation for air pollution generated from auto exhaust is to construct buildings with doors and windows that can seal out air pollution. If the air pollution is a concern in residential units, what impact does it have on pedestrian and bicyclist mobility in the Plan Area and at nearby schools such as Lafayette Elementary, Stanley Middle and Acalanes High?	Include a reference to Air Quality Section 4.2 within the Traffic and Transportation Section 4-13 to acknowledge the close connection of these potential impacts.	4-14
14.	4.13-23, Table 4.13-8	To more clearly depict the trip distribution, the distribution should also be shown on a map.	Add a map showing the trip distribution graphically.	4-15
15.	4.13-4, Table 4.13-9 & thru-out	It is unclear how many of the trips are trips generated from the Town of Moraga. Also it is unclear how much of the Moraga Road/School Street intersection congestion is caused by Lafayette vs. Moraga generated traffic.	Include the number of trips that each project is expected to generate. Where there are project impacts, the background traffic should be subdivided into Lafayette-generated and Moraga-generated traffic so that it is clearer to understand the true source of the resulting traffic congestion.	4-16
16.	Thru-out	At or before the project's build-out, the levels of congestion on Moraga Road would likely result in some drivers deciding to re-route their trip to avoid Moraga Road and choose to use an alternative route such as Reliez Station Road or Moraga Road.	Clarify whether the DEIR LOS projections took into account these re-routed trips. How many trips will divert to Reliez Station Road, the St. Mary's corridor or Acalanes Rd., to avoid Moraga Road congestion?	4-17
17.	4.13-25, Table 4.13-10,	The land use assumptions presented in the DEIR are different than those in the WRT Downtown Specific	What was the background assumption for the No Project alternative and how does it differ from the	4-18

Item	Page/Location	Issue	Recommendation
	5-2, Table 5-1 & thru-out	<p>Plan and analyzed by Fehr and Peers. The WRT Specific Plan did not propose changes that would substantially raise the development cap or envelope for the City as a whole relative to the City's existing General Plan. The WRT plan was premised on this matter. But in the DEIR, it looks like the Specific Plan (Project) allows substantially higher levels of use (residential and non-residential) than the General Plan. It is the Commission's understanding that the height limits in the Specific Plan (Project) were restricted further than the WRT Plan; so intuitively it does not make sense that the Specific Plan's (Project) would allow substantially higher levels of use.</p> <p>For example, the No Project non-residential use is less than the General Plan base from the WRT plan (See the Fehr and Peers, June 3, 2008 memo, page 2, Table 1).</p>	<p>WRT General Plan Alternative? Does the No Project Alternative encompass all the General Plan growth? How are the land uses adjusted from the No Project Alternative to the Specific Plan Alternative? Provide a better explanation than what is in the DEIR as to why the DEIR's Specific Plan land uses are so significantly higher than the No Project or General Plan land uses analyzed by WRT.</p>
18.	4.13-25, Table 4.13-10 and throughout	<p>The reader should not have to calculate the per unit trip generation rates for each land use type.</p>	<p>Add a column for the per unit trip generation rate, e.g. trips/DU/day.</p>
19.	4.13-3 and 4.13-29, Table 4.13-11 and thru-out	<p>The LOS criterion establishes 6 letter grades to denote traffic conditions. LOS F is considered the lowest rating. When using the HCM method of calculating LOS at a signalized intersection, when the average control delay is more than 80 seconds, then the intersection is designated as LOS F. Any delay from 81 seconds to infinity is considered an LOS F. The problem with the LOS F designation is that it does not differentiate the magnitude of an LOS F designation. For example, 81 seconds of delay is an F (and very</p>	<p>Establish an additional LOS F classification (e.g. LOS FF) to better convey the delay impacts when the magnitude of the delay is 2 or more times greater than the 81 seconds which triggers an LOS F classification.</p> <p>The DEIR should explain the relative significance of these extreme LOS F classifications and highlight these extreme LOS Fs within the DEIR.</p>

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Item	Page/Location	Issue	Recommendation	
		close to the border of LOS E), but a delay of 225 seconds is also considered an LOS F. The difference in experiencing these two LOS F conditions is significant, but not reflected in the letter grade designation and should be discussed within the text of the DEIR.		4-20 cont.
20.	4.13-30, last para.	For more context when discussing the Delay Index provide the travel time on SR24 during the uncongested, off-peak time.	Provide the travel time on SR24 during the uncongested, off-peak time.	4-21
21.	4.13-39& 40	If an additional southbound, left-turn were added on Oak Hill, would the queue length for the SBLT back up and block the southbound thru-lane (similar to the northbound, left-turns at Moraga Rd. and Mt. Diablo Blvd.?	The DEIR should consider and respond to whether queuing associated with future traffic would impact the operation of a southbound through lane as proposed.	4-22
22.	4.13-41, 1 st para	Impacts associated with widening Moraga Road at Mt. Diablo Blvd.	The DEIR should consider and respond to revising the last sentence to state that the widening would result in unavoidable impacts.	4-23
23.	4.13-41, section iii	The DEIR should present options for improving conditions at the Moraga Road/School Street intersection. One option would be to evaluate the impact of changing the pedestrian signal phasing from a scramble setting. Although previously considered by the City to be undesirable in the past, circumstances may not warrant reconsideration.	The DEIR should consider and respond to the feasibility and impact of changing the pedestrian signal phasing from a scramble setting.	4-24
24.	4.13-41, section iv	It is unclear if the DEIR proposes a two-way, center-turn lane on Moraga Road between School Street and Moraga Blvd. or a southbound, left-turn lane.	Clarify which type of turn lane is proposed.	4-25
		What impact would a southbound, center left-turn lane	The DEIR should consider and respond to whether if a southbound, left-turn lane is proposed; this may create impacts which should	4-26

Item	Page/Location	Issue	Recommendation	4-26 cont.
		<p>on Moraga Road between School Street and Moraga Blvd.? Would the northbound, left-turns into the driveways on the west side of Moraga Rd. be impacted?</p> <p>The existing striped shoulders are planned Class 3 bike routes in the City’s Bikeways Master Plan. This project is part of the Downtown Bike By-pass which is a central component in that plan to promote bicycle riding to, from and through the Downtown.</p> <p>The DEIR suggests eliminating parking along the west side of Moraga Rd.</p>	<p>be evaluated for the northbound, left-turns from the proposed addition of a southbound, center, left-turn lane.</p> <p>The DEIR should consider and respond to if a two-way, center-turn lane is proposed, whether this may create an operational and safety conflicts when demand for northbound and southbound left-turns overlap. The proposed mitigation may have secondary impacts that effect implementation.</p> <p>The DEIR should consider and respond to revising the DEIR to state that the elimination of the striped shoulder areas to install a southbound, left-turn lane would have an unavoidable impact on the implementation of the City’s Bikeway Master Plan.</p> <p>The DEIR should consider and respond to whether the proposed mitigation may have significant secondary impacts associated with the removal of on-street parking. The DEIR should provide more details on the feasibility of this mitigation.</p>	4-27
25.	4.13-42, section v.	The DEIR does not discuss the impacts on the existing Deer Hill Road bike lanes and the ability of a bicyclist to navigate the new intersection alignment. The Deer Hill Road bike lanes provide direct access to BART and	The DEIR should consider and respond to whether the proposed mitigation may have significant secondary impacts. The DEIR should consider and respond to whether the DEIR should	4-29

Item	Page/Location	Issue	Recommendation	
		are designated in both the City's Bikeway Master Plan and the Countywide Pedestrian and Bicycle Plan.	evaluate the impacts on bicycle mobility resulting from the proposed mitigation of restriping Deer Hill Road.	4-29 cont.
26.	4.13-43, top of page	Additional information and analysis is needed regarding the proposed second, eastbound, right-turn lane from Deer Hill to First St.	The DEIR should consider and respond to whether the proposed mitigation may have significant secondary impacts. The DEIR should consider and respond to the request to provide the length of the second eastbound to southbound right turn lane and evaluate whether there is an issue with two lanes merging into the southbound First St. How would this impact the operation of the First St. southbound, left-turn at the SR 24 Eastbound, on-ramp? How would the proposed mitigation impact the existing bike lane and bicycle travel?	4-30
27.	4.13-43, 2 nd para	It is unclear whether the further improvements could be undertaken as a stand alone project.	The DEIR should consider and respond to whether a second, westbound left turn lane would be beneficial on its own.	4-31
		The DEIR does not discuss how a second westbound left-turn lane would be accomplished, i.e. where the land comes from, and what would happen to the existing westbound bike lane.	The DEIR should consider and respond to a request to provide further explanation of how a second turn-lane would be accomplished and whether it would impact the existing bike lane.	4-32
28.	4.13-43, 2 nd diamond, 3 rd bullet	In the PM peak hour, the intersection operation improves, but it is unclear by how much.	Provide the seconds of delay for the LOS E operation for the Cumulative No Project.	4-33
29.	4.13-44, 2 nd para And	The narrow sidewalk and the differential speed between pedestrians and vehicles would create a less than ideal walking environment.	The DEIR should consider and respond to a request to access the secondary impacts on pedestrians of the proposed mitigation.	4-34

Item	Page/Location	Issue	Recommendation
	4.13-43	Two mitigations are discussed related to Deer Hill Rd. and SR 24 Westbound Ramps. The westbound left-turn lane impacts associated with non-motorized policies are similar to the impacts associated with the eastbound lane mitigations, so why doesn't the DEIR conclusion discuss this for the latter?	The DEIR should consider and respond to whether the proposed mitigation of eastbound lanes should be evaluated in terms of its impacts on existing non-motorized policies similar to the proposed mitigation for westbound turn lanes.
30.	4.13-44, last para.	It is unclear at what stage of development the Peak Hour Volume Warrant was met.	The DEIR should consider and respond to the request for clarification at what stage of development was the warrant met.
31.	Throughout	Traffic signals are one type of intersection control. It is unclear whether the DEIR has evaluated whether a roundabout would mitigate traffic as well as a traffic signal and whether it might be better suited in maintaining Lafayette's character.	The DEIR should consider and respond to how the DEIR should evaluate roundabouts as well as traffic signals as a means of mitigation.
32.	4.13-44 & 45, section vi	It is unclear whether the installation of a traffic signal at the off-ramp on Oak Hill would impact the operation of the Mt. Diablo Blvd./Oak Hill Rd. intersection.	The DEIR should consider and respond to how the proposed mitigation of installing a signal at the off-ramp may impact the operation of the Oak Hill/Deer Hill Roads intersection or visa versa. The DEIR should consider and respond to how the DEIR should assess the secondary impacts associated with the proposed mitigation relative to the operation of these nearby intersections.
33.	4.13-45, section vii	The first sentence may misrepresent the nature of the change in the traffic volume at this intersection. Installing a traffic signal could result in higher speeds on Happy Valley Rd. both from through movements and turning movements. As an intersection and street segment adjacent to BART and in an area with	The proposed mitigation may have significant secondary impacts. The DEIR should consider and respond to how it will address impacts on vehicle speeds related to proposed installation of a signal.

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Item	Page/Location	Issue	Recommendation	
		<p>significant pedestrian activity, this would be an undesirable impact. Due to on-street parking and pedestrian access routes, Happy Valley Road already experiences considerable jay-walking.</p> <p>If a signal were installed, how would the queues impact traffic operations on nearby streets such as N. Thompson and Lois Lane?</p> <p>Last paragraph, it is unclear at what phase the intersection would operate an unacceptable LOS D.</p>	<p>The DEIR should consider and respond to whether as an alternative solution would adding an additional southbound, left-turn lane at Happy Valley Road and Deer Hill be feasible?</p> <p>Revise sentence to read, “Buildout of the Plan would result in increases in traffic volumes <i>passing through the all-way stop control</i> such that the intersection...”</p> <p>The DEIR should consider and respond to the associated impacts related to the potential for increased vehicle travel speeds and pedestrian impacts associated with signaling the Happy Valley/Deer Hill intersection.</p> <p>The DEIR should consider and respond to the associated impacts related to possible queuing on the operation of adjacent streets.</p> <p>Clarify last paragraph by specifying the phasing of the proposed mitigation.</p>	<p>4-40 cont.</p> <p>4-41</p> <p>4-42</p>
34.	4.13-46, section viii	<p>The existing type of traffic control should be noted.</p> <p>A traffic signal at Deer Hill and Oak Hill may result in increased travel speeds on Deer Hill Road. It is unclear how this would impact access from side streets and the BART driveways. The City has received complaints</p>	<p>Revise first sentence to read, “Buildout of the Plan would result in increases in traffic volumes such that the delay at the <i>all-way, stop controlled</i> intersection...”</p> <p>The DEIR should consider and respond to the</p>	<p>4-43</p> <p>4-44</p>

Item	Page/Location	Issue	Recommendation	
		from residents of N. Thompson citing difficulty turning out of the street.	associated impacts related to increased travel speeds from the proposed traffic signal including the impacts to side street and driveway access.	4-44 cont.
35.	4.13-46, section ix	<p>The combination of an additional eastbound, right turn lane from Deer Hill to First St. may create several operational issues. Would a vehicle in the outer lane have sufficient time to transition to the southbound, left-turn on to eastbound SR24?</p> <p>If a signal were added at the First St. on-ramp, during what signal phase would pedestrians on the east side cross the on-ramp?</p> <p>What would be the route of a bicyclist headed eastbound as well as southbound?</p> <p>What queuing impacts might be associated with the proposed installation of a traffic signal at this on-ramp?</p>	The DEIR should consider and respond to the questions raised.	4-45 4-46 4-47 4-48
36.	4.13-47, section x	The recently adopted Lamorinda Action Plan contains a gateway policy regarding SR 24 in addition to Pleasant Hill Road.	Amend discussion of SR24 in context of the adopted gateway policy.	4-49
37.	4.13-51, Impact TRAF-6	The existing traffic control method should be referenced.	Revise sentence to read, "Buildout of the Plan would result in increases in traffic volumes such that the <i>all-way stop controlled</i> intersection of Deer Hill Road..."	4-50
38.	4.13-52 Impact TRAF-7	The Deer Hill and Oak Hill intersection experiences large volumes of pedestrians primarily due to the nearby BART station. If the intersection were signalized, what improvements would need to be made to accommodate the queuing of pedestrians waiting to	The DEIR should consider and respond to these issues.	4-51

Item	Page/Location	Issue	Recommendation	
		cross?		4-51 cont.
39.	4.13-52, Impact TRAF-8	If the First St. on-ramp were signalized, how would the signal operate? Would one or both of the northbound lanes need to stop in order to permit a southbound, left-turn? How would queuing impact nearby driveways, particularly the former Albertson's?	The DEIR should consider and respond to these issues.	4-52
40.	4.13-54, 1. Regulatory Framework	The Master Walkways Plan and the Bikeways Master Plan were both adopted as Specific Plans to the City's General Plan. Relevant goals and policies from these documents should be evaluated.	The DEIR should consider and respond to these issues.	4-53 4-54
41.	4.13-52, last para.	The small BART-owned parking lot on the south side of station accessed from Happy Valley Road should be included in the total number of parking spaces at the Lafayette station. At one time, the City rented and sub-leased, another small lot immediately south of BART's southern parking lot. In order to encourage bicycling to the station, long-term bicycle parking is needed for security. What quantity of the existing bicycle parking spaces are composed of bike lockers? The last sentence does not clearly explain why bicyclists are directed to the north side of the station.	Revise the paragraph for clarity. Provide a breakdown of the bicycle parking spaces between racks and lockers. Revise sentence to read, "Bicyclists typically <i>are directed to access the station's north side as there is no ramp on the south side of the station.</i> "	4-55 4-56 4-57

Item	Page/Location	Issue	Recommendation	
42.	4.13-55, section ii	<p>Bus service is provided by the CCCTA, not CCTA.</p> <p>Acalanes High School is served by Route 625 which is not noted.</p> <p>A key component of the DSP is to encourage alternatives to driving. The DEIR does not evaluate whether improvements are needed at bus stops to improve access and better serve new development. For example is all weather paving needed at bus stops, are waiting areas ADA accessible?</p>	<p>Revise.</p> <p>The DEIR should consider and respond to these issues.</p>	<p>4-58</p> <p>4-59</p> <p>4-60</p>
43.	4.13-57, b. Pedestrian Facilities	<p>The evaluation of Pedestrian Facilities is insufficient. A key component of the DSP is increasing pedestrian activity and mobility. The DEIR should analyze how the City's long blocks, signal timing and ability to cross high speed and/or high volume streets impacts pedestrian mobility. Additionally the design of driveways and connections from the sidewalk to a building's entrance impact pedestrian mobility. The DEIR does not sufficiently evaluate these matters.</p> <p>The DEIR mischaracterizes sidewalks in the Downtown Retail District as nearly continuous. A more appropriate phrase would be "generally present" since sidewalks are not continuous on many side streets, e.g. Happy Valley Road, Mtn. View Dr., Dewing Ave., Lafayette Circle and Second St.</p>	<p>The DEIR should consider and respond to these issues.</p>	<p>4-61</p> <p>4-62</p>

Item	Page/Location	Issue	Recommendation
		Fehr and Peers prepared a sidewalk inventory which should be referenced.	
44.	4.13-59, Figure 4.13-6	This map and all maps should have a north arrow.	The DEIR should consider and respond to these issues.
45.	4.13-60, c. Bicycle Facilities	The Lafayette Bikeways Master Plan identifies many existing and proposed facilities within the Plan Area. Bicycle Boulevards are a key component of the Lafayette Bikeways Master Plan for improving bicycling in the Downtown. The DEIR should discuss their role as a bicycle facility.	Revise sentence to read, "According to the Lafayette Bicycle Master Plan, the Plan Area includes <i>existing and proposed</i> off-street bicycle..." The DEIR should consider and respond to these issues.
46.	4.13-62, 3. Standards of Significance, Item 4	Safety for bicyclists and pedestrians should be included as a Standard of Significance. Several of the roadway mitigation projects would significantly reduce the safety and quality of the existing non-motorized network.	The DEIR should consider and respond to these issues.
47.	4.13-65, b) Route 25	Route 25 is a new route that has not been accompanied by CCCTA's usual marketing campaigns for new routes due to significant cutbacks in the CCCTA's marketing budget at the time of the route's introduction.	The DEIR should include this context in its discussion of Route 25.
48.	4.13-68, 2 nd para	The proposed traffic mitigations remove existing separation between pedestrians and vehicles and would create a less comfortable walking environment and may raise safety concerns which would discourage walking.	The DEIR should consider and respond to these issues.
49.	4.13-68, Class III	The Lafayette Bikeways Master Plan designates Moraga Road as a Class III facility only between Mt. Diablo Blvd. and Old Jonas Hill. The Bikeway Master	The DEIR should incorporate these clarifications.

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Item	Page/Location	Issue	Recommendation	
		Plan also designated Moraga Blvd. as a Class II between Moraga Road and the Lafayette-Moraga Trail via Hawthorn Drive.		4-69 cont.
50.	4.13-69, 1 st para	New development expected by the DSP has the potential to improve conditions for bicycling by incorporating bicycle support facilities such as parking, changing rooms and showers.	The DEIR should incorporate these clarifications.	4-70
51.	4.13-69, Mitigation Measure TRAF-11	Practically, how would this measure be implemented. Would the Lamorinda Fee and Finance Authority need to be involved?	The DEIR should consider and respond to these issues.	4-71
52.	4.13-70, 2. Existing Conditions	The last sentence in the first paragraph refers to the “core downtown subarea along Mt. Diablo Blvd.” If this is referring to the Downtown Retail District, then that wording should be used.	The DEIR should consider and respond to these issues.	4-72
53.	4.13-71, Table 4.13-21	The General Plan contains several goals and policies promoting alternatives to the single occupancy vehicle and reducing demand for parking (Goal C-7 and C-8).	The DEIR should incorporate these clarifications.	4-73
54.	4.13-71 & 72, 4. Impact Discussion And 4.13-74, 5. Impacts and Mitigation Measures	Multiple, smaller parking facilities (instead of one, large facility) might have few significant traffic impacts and better serve the various needs along the length of Mt. Diablo Blvd. The DEIR should evaluate the potential for smaller parking facilities to mitigate impacts.	The DEIR should consider and respond to these issues.	4-74
55.	4.13-72, 1 st full	The DEIR says that “Parking activity at each potential	The DEIR should consider and respond to these	4-75

Item	Page/Location	Issue	Recommendation
	para.	parking structure site has the potential for impacting the following intersections, as listed below,” That sentence does not provide sufficient detail as to the potential impacts.	issues.
56.	4.13-77	The mitigation should not solely limit design elements to warning pedestrians and bicyclists. Design elements should also warn drivers that they are crossing the pedestrian’s right-of-way when crossing driveways.	The DEIR should consider and respond to these issues.
57.	5-2, Table 5-1	Table 5-1 is referenced on the previous page. It would be clearer if the table immediately preceded Section A.	Relocate Table 5-1 so that it precedes Section A.
58.	5-5, Fig. 5-1 and thru-out	St. Mary’s Road should be shown and Moraga Road could be read more easily by relocating the street name label further south. Old Tunnel Road should be labeled.	Add and adjust street label names.
59.	5-6, Fig. 5-2	The legend shown on the map should have a title such as “Maximum Height Allowed”	Add title to legend.
60.	5-7 to 5-8, Figs. 5-3 & 4	The perspective or view point does not appear to be the same on both figures. For example, the No Project seems further north due to the shadow on the street.	Confirm perspective and shadows on the street are accurately depicted.
61.	5-21, Section e and 5-51, Section e	Even if the Plan Area has no mapped faults, it is in area expected to be impacted should a major earthquake occur in the area. As currently written, this section implies that Lafayette is not subject to seismic activity. The Lafayette Reservoir is immediately adjacent to the Plan area. The point at which seismic activity would result in the failure of the Lafayette Reservoir and	Revise seismic discussion to provide better context of where Lafayette is located relative to potential impacts from seismic activity. Include information about the Lafayette Reservoir. Reconfirm that “the Plan Area has no slopes

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Item	Page/Location	Issue	Recommendation
		<p>possible impacts to the Plan Area should be discussed.</p> <p>The Plan Area contains creek corridors and other steep terrain such as the west side of Happy Valley Road, just north of the Chevron Station at Mt. Diablo Blvd. and Mt. Diablo Blvd. northeast of the Veteran’s Building and properties adjacent to portions of Brook Street that would appear to be greater than a 30 percent slope.</p>	<p>greater than 30 percent.”</p>
62.	5-22, Section f	<p>It is inaccurate to describe the Plan Area as not containing high fire risk areas. The Contra Costa Fire District calls Lafayette a high-risk area and a continuous fuel change. Lack of emergency roads in and out of Lamorinda complicates the problem.</p>	<p>Revise the section to more accurately characterize the fire-risk conditions in the area.</p>
63.	5-25, Section j	<p>It is not clear that the Lafayette General Plan anticipated number of housing units and new residents are city-wide numbers whereas the housing and population numbers referred to relative to the Plan and Project Alternatives would occur within the project area.</p>	<p>Clarify which projections are citywide vs. planning area specific.</p>
64.	5-44, Fig. 5-14	<p>The legend is not clear. Does the blue area really represent the area encompassed in the Higher Density Alternative?</p>	<p>Revise labels in legend.</p>
65.	5-53, 2 nd para.	<p>Clarify where the proposed connection is being considered.</p>	<p>Revise sentence to read, “The Higher Intensity Alternative proposes to explore the provision of a new roadway connection between the State Route 24 eastbound off-ramp <i>on Oak Hill Road</i> and the <i>First Street</i> on-ramp, just south of State Route 24.”</p>

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cont.

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Item	Page/Location	Issue	Recommendation	
66.	5-57, 2 nd para.	<p>There is an error in the first sentence which should be revised.</p> <p>The proposed mitigation may create conflicts with existing eastbound to westbound u-turns on Mt. Diablo Blvd.</p>	<p>“Mitigation would require installation of right-turn arrow signals for the southbound right turns to from Mt. Diablo Blvd. from onto Happy Valley Road and First Street.</p> <p>Evaluate how the proposed right-turn arrows would impact eastbound to westbound u-turns.</p>	<p>4-88</p> <p>4-89</p>
67.	5-58, 1 st 4 bullets	<p>The DEIR identifies four downtown unsignalized intersections. Based on the definition of Downtown Intersections in the General Plan, Circulation Element, page II-5; the listed intersections would not be defined as Downtown Intersections. While future updates of the General Plan may wish to revise the definition of Downtown Intersections to include Oak Hill Road/SR 24 Eastbound Off-Ramp and First Street/SR 24 Eastbound On-Ramp, intersections with Deer Hill Road have not historically been considered within the Downtown.</p>	<p>Revise description of listed intersections.</p>	<p>4-90</p>

LETTER 4

Cindy Sevilla, Circulation Commission Chair. City of Lafayette Circulation Commission. March 2, 2010.

Response 4-1

The comment serves as an introduction to comments that follow. It requires no response other than the responses to Comments 4-2 through 4-90, below.

Response 4-2

The comment asks whether stand alone or simulation LOS analysis was used. The comment suggests using the simulation method. The Draft EIR analyzes the LOS at each intersection individually using the methodologies described in the Transportation Research Board's 2000 *Highway Capacity Manual* (HCM). The HCM LOS methodology is the accepted standard for analyzing intersection traffic impacts in CEQA documents, providing consistent, reliable LOS and delay results for the given traffic data. Because the Plan is a program level document, the HCM methodology is more appropriate for this analysis. Use of the HCM method is also specified in the Lafayette General Plan. The simulation approach uses methodologies other than the HCM LOS method. Simulation methods can be useful for detailed design and evaluation of roadway improvement projects, such as the additional analysis to be conducted when the City processes future project proposals for development. No further revision of the EIR is necessary in response to this comment.

Response 4-3

The comment requests that Table 4.13-1 be revised to define the description and average control delay for "Good D" and "Poor D." Table 4.13-1 has been revised as suggested, as shown in Chapter 3 of this Final EIR.

Response 4-4

The comment requests that the last sentence on page 4.13-3 be revised. This text has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-5

The comment requests that Figure 4.13-1 in the Draft EIR be revised to show the outline of the Study Area, the Plan Area, and which intersections are considered to be inside and outside of the downtown.

Figures 4.13-1 through 4.13-6 have been revised to show the Plan Area boundaries and identify “downtown” and “outside downtown” intersections as suggested, as shown in Chapter 3 of this Final EIR.

The “study area” boundaries are approximate, as described in the Draft EIR text, and showing an outline on the figure would suggest a more precise boundary than intended or necessary for the purposes of the traffic analysis. The numbered study intersections shown on the figure provide a more accurate indication of the study area boundaries. Therefore, a study area outline has not been added to the figure.

Response 4-6

The comment requests that the phrase “route of regional significance” be clarified on page 4.13-7 of the Draft EIR. The specified paragraphs on the following pages have been revised as suggested, as shown in Chapter 3 of this Final EIR:

- ◆ The last paragraph on page 4.13-4.
- ◆ The first several paragraphs under the heading “a. Plan Area Roadway Network” on pages 4.13-7 and 4.13-8.
- ◆ The last paragraph on page 4.13-30.
- ◆ The second paragraph on page 4.13-38.

Response 4-7

The comment requests the date of the information on page 4.13-7 that State Route carries 160,000 vehicles per day, and requests that the word “downtown” be deleted from this sentence. The average daily freeway volume for State Route 24 presented in the Draft EIR is for year 2008, the most recent data that is readily available from Caltrans. This daily volume is presented as

general background information, and was not used to analyze traffic impacts on State Route 24 in the Draft EIR.

The paragraph with the heading “State Route 24” on page 4.13-7 has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-8

The comment requests that the first bullet point on page 4.13-8 of the Draft EIR be revised to state that Moraga Road connects Mount Diablo Boulevard to southern Lafayette. This text of the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-9

The comment notes that First Street only has one travel lane when it changes to a one-way street, and requests that the text on page 4.13-8 of the Draft EIR be revised accordingly. The text of the Draft EIR has been revised as suggested, as shown in Chapter 3 of this Final EIR.

Response 4-10

The comment states that the character of Oak Hill Road is significantly different north of Deer Hill Road, and requests that the text on page 4.13-8 of the Draft EIR be revised accordingly. The text of the Draft EIR has been revised as suggested, as shown in Chapter 3 of this Final EIR.

Response 4-11

The comment requests an evaluation of intersections #13, #14, #20, and #25 as if they were “downtown” intersections. The comment requests that the EIR consider a revision to the General Plan’s definition of downtown intersections.

According to the City’s General Plan, the acceptable LOS standards for signalized intersections are “Poor” LOS D (45 to 55 seconds average delay) for intersections designated in the General Plan as “downtown” intersections, and “Good” LOS D (35 to 45 seconds average delay) for all other intersections,

which are considered “outside downtown.” Based on these standards, the Draft EIR criteria for a significant impact at a signalized intersection are:

- ◆ Deterioration from Poor LOS D or better to LOS E or F at a “downtown” intersection.
- ◆ Deterioration from Good LOS D or better to Poor LOS D or worse at an “outside downtown” intersection.

Intersections #13 (Mt. Diablo Blvd/Lafayette Park Hotel) and #14 (Mount Diablo Boulevard/Pleasant Hill Road/State Route 24 eastbound on-ramp) are signalized intersections that are currently outside the General Plan’s “downtown” definition. Evaluating these two intersections as if they were designated “downtown,” as the comment recommends, would relax the applicable LOS and significant impact standards such that a Poor LOS D would be acceptable instead of a Good LOS D. However, because the Draft EIR analysis determines that both of these intersections would operate at LOS C or better under Cumulative with Specific Plan Project, the conclusions of the Draft EIR at these two intersections would not change if they were evaluated with the “downtown” intersection standard.

For unsignalized intersections, the standards do not distinguish between “downtown” and “outside downtown” locations. Intersections #20 (Oak Hill Road/State Route 24 eastbound off-ramp, stop sign on off-ramp) and #25 (First Street/State Route 24 eastbound on-ramp, left turn yields) are both currently unsignalized. Therefore, the alternative evaluation criteria recommended in the comment is not applicable to these intersections in their current unsignalized condition. With the recommended mitigations under Cumulative with Specific Plan Project, both intersections would be signalized, but both are outside the General Plan’s current “downtown” definition, which is limited to selected intersections on Mount Diablo Boulevard and Moraga Road. Evaluating these two future signalized intersections as if they were designated “downtown,” as the comment recommends, would relax the applicable LOS and significant impact standards such that a Poor LOS D would be acceptable instead of a Good LOS D. However, because the Draft EIR analysis determines that both of these intersections would operate at

LOS C or better with the mitigation of installing traffic signals under Cumulative with Specific Plan Project, the conclusions of the Draft EIR at these two intersections after mitigation would not change if they were evaluated with the “downtown” intersection standard.

The designation of “downtown intersections” in the General Plan can be reconciled in the future by the City but is outside of the scope of this EIR.

Response 4-12

The comment requests that Figure 4.13-2 be revised to differentiate “downtown” and “outside downtown” intersections. Figure 4.13-2 has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-13

The comment requests an explanation of how traffic conditions at School Street/Moraga Road compare under existing conditions compared to Plan conditions. The delay in seconds at all study intersections, which is presented in the LOS tables in the Draft EIR, allows differentiation of the magnitude of delay within all LOS classifications, including LOS F. Additionally, Table 4.13-1 clearly shows the threshold between LOS E and LOS F as 80 seconds, providing a benchmark for the magnitude of delay within LOS F. The Draft EIR clearly describes a significant impact at the Moraga Road/School Street intersection mentioned in the comment. The information presented in the Draft EIR, including identification and discussion of significant impacts, complies with CEQA Guidelines.

In response to the comment’s recommendation, the following additional qualitative information is provided. As indicated by the delay results, the average delay at the Moraga Road/School Street intersection during the mid-day school peak in the Cumulative with Specific Plan Project scenario would be approximately twice as long as the existing conditions. Most of the additional delay at this mid-day school peak would be expected on southbound Moraga Road approaching School Street, with delay more than twice as long as, and queues extending as much as 500 feet longer than, existing conditions.

Southbound Moraga Road at this location already experiences long delays and queues during the school peak because of the existing condition where one of the two southbound lanes is blocked by traffic turning left at School Street or at Lafayette Elementary School, leaving only one lane available for the high volume of southbound through traffic.

The term “LOS FF” suggested in the comment is not defined in the *Highway Capacity Manual* (HCM) or the Lafayette General Plan, and it is not standard practice to use that term in CEQA documents. The delay in seconds is presented in the LOS tables in the Draft EIR to provide differentiation of the magnitude of delay under LOS F conditions. Displaying this information in terms of seconds of delay provides more meaningful information than an “LOS FF” label. Because the relevant information was provided in the Draft EIR, no further revision of the EIR is necessary in response to this comment.

Response 4-14

The comment correctly notes that transportation-related impacts are closely related to air quality impacts. The comment also notes that the Plan encourages walking and bicycling, yet that the air quality chapter of the Draft EIR includes mitigation that would require doors and windows to seal out air pollution due to auto exhaust. The comment asks whether air pollution that is a concern to residential units would also negatively impact pedestrian and bicycle mobility and nearby schools. As described on page 4.2-26 of the Draft EIR, CARB and BAAQMD recommend that exposures to State Route 24 traffic emissions be reduced through various measures that include buffers. CARB recommends initial buffers of 500 feet between sensitive receptors and freeways. The Draft EIR evaluates specific air quality impacts from State Route 24 based on local climate conditions and roadway volumes to further evaluate this impact and define the appropriate buffer to avoid significant health risks or air pollutant exposure from future Plan development near the highway. BAAQMD-recommended procedures that include looking at sources of toxic air contaminant or fine particulate matter emissions sources within 1,000 feet are followed for this evaluation. The Draft EIR analysis finds that people residing near the freeway for an almost continuous lifetime

exposure would have a significant health risk (in terms of increased cancer risk) and/or would be exposed to significant levels of fine particulate matter. Mitigation measures to reduce these impacts are identified, recognizing that the people residing near the highway would spend considerable time indoors. Healthy people that are walking and bicycling in the Plan Area would have lesser impacts, as their exposure would be temporary.

Response 4-15

The comment requests that the EIR include an additional map showing a graphic representation of trip distribution. The trip distribution data already provided in Table 4.13-8 on page 4.13-23 of the Draft EIR is a complete and adequate description of the assumed geographic distribution of trips related to the Specific Plan Project. No additional graphic is necessary.

Response 4-16

The comment suggests that where there are project impacts, the background traffic should be subdivided into Lafayette-generated and Moraga-generated traffic. In response to the comment's recommendation, the following additional information is provided. This information is preliminary and approximate, subject to further review and verification for refinement or potential revisions, and the information is not necessary for CEQA purposes. To evaluate the Plan's impacts in the context of future Cumulative traffic conditions, only the total accumulation of other future traffic is relevant, not portions of traffic from individual sources. The purpose of the Draft EIR is to evaluate the Plan's impacts, not the relative impacts of other individual sources of traffic. Additional analysis related to other sources of traffic contributing to congestion can be conducted in future studies, but would be outside the scope of the Draft EIR.

For current traffic volumes, the CCTA base year 2000 travel demand model was used to estimate the percentage of trips to/from Moraga on selected Lafayette roadways in the traffic study area during peak hours, with the following results:

- ◆ Moraga Road between St. Mary's Road and School Street: Approximately half of the traffic volume is to/from Town of Moraga during the AM and PM peak hours.
- ◆ Moraga Road between Mount Diablo Boulevard and Moraga Boulevard: Approximately one-third of the traffic volume is to/from Town of Moraga during the AM peak hour, and approximately 40 percent during the PM peak hour.
- ◆ Mount Diablo Boulevard between Moraga Road and First Street, and First Street between Mount Diablo Boulevard and State Route 24 Eastbound On-ramp: Approximately one-quarter of the traffic volume is to/from Town of Moraga during the AM and PM peak hours.
- ◆ Mount Diablo Boulevard between Moraga Road and Oak Hill Road, and Oak Hill Road between Mount Diablo Boulevard and State Route 24 Eastbound Off-ramp: Approximately 10 percent of the traffic volume is to/from Town of Moraga during the AM peak hour, and approximately 15 percent during the PM peak hour.

For the portion of traffic volumes projected to be added by future development in both Lafayette and Moraga, the Lamorinda TRAFFIX model for the Cumulative with Specific Plan Project scenario described in the Draft EIR (page 4.13-22) was used to estimate the percentage of future additional trips to/from Moraga on some Lafayette roadways during peak hours, with the following results:

- ◆ Moraga Road between St. Mary's Road and School Street: Approximately half of the future additional trips would be to/from Town of Moraga during the AM and PM peak hours, and over 40 percent during the mid-day school peak hour.
- ◆ Moraga Road between Mount Diablo Boulevard and School Street: Almost half of the future additional trips would be to/from Town of Moraga during the AM and PM peak hours, and approximately 40 percent during the mid-day school peak hour.
- ◆ Mount Diablo Boulevard between Moraga Road and First Street, and First Street between Mount Diablo Boulevard and State Route 24 East-

bound On-ramp: Approximately 20 percent of the future additional trips would be to/from Town of Moraga during the AM and PM peak hours, and less than 20 percent during the mid-day school peak hour.

- ◆ Mount Diablo Boulevard between Moraga Road and Oak Hill Road, and Oak Hill Road between Mount Diablo Boulevard and State Route 24 Eastbound Off-ramp: Approximately 10 percent of the future additional trips would be to/from Town of Moraga during the AM and PM peak hours, and less than 10 percent during the mid-day school peak hour.

Please note that while the ultimate destination or origination of trips is useful information for planning purposes, it does not alter the conclusions of the Draft EIR regarding the significance of impacts at specific intersections.

Response 4-17

The comment asks whether the Draft EIR evaluated the potential for motorists to choose alternative routes such as Reliez Station Road, St. Mary's Road, or Acalanes Road. The traffic projections in the Draft EIR did not include analysis of possible diversion of traffic to alternative routes based on LOS/delay results indicating congestion at some of the study locations. The suggested analysis of possible traffic diversion is not standard practice in CEQA documents, and the assumptions regarding re-routed traffic would be speculative. An analysis with re-routed traffic would assume reduced traffic volumes at the congested location presumed to cause such diversion, and the LOS/delay results at that congested location might then be underestimated. This problem would be especially likely if the assumed alternative routes would not provide a clear travel advantage compared to the congested original route for a significant portion of drivers. Regarding the specific alternative routes cited in the comment, the *Moraga Center Specific Plan Final EIR* (March 2009) includes the following results:

- ◆ Existing Baseline: LOS F in the AM peak and LOS E in the PM at Reliez Station Road/Glenside Drive, Reliez Station Road/Olympic Boulevard, and Olympic Boulevard/Pleasant Hill Road.

- ◆ Cumulative with Moraga Center Specific Plan Proposed Project: LOS F in both the AM and PM peaks at Glenside Drive/Burton Drive, Reliez Station Road/Glenside Drive, Reliez Station Road/Olympic Boulevard, and Olympic Boulevard/Pleasant Hill Road. LOS F in the AM peak at Glenside Drive/Los Palos Drive and St. Mary's Road/Rohrer Drive. LOS E in the AM peak and LOS F in the PM at Glenside Drive/St. Mary's Road (south).

Additionally, use of Acalanes Road as an alternative to Moraga Road is deterred by traffic congestion near Glorietta School in the AM and mid-day school peaks. These conditions indicate that increased use of these alternative routes as a result of traffic conditions related to the Plan would be strongly deterred because those routes will also be very congested.

Response 4-18

The comment refers to Table 4.13-10 of the Draft EIR and states that the land use assumptions in the Draft EIR are different from those in the Draft Downtown Lafayette Strategy and Specific Plan prepared by WRT. The commentor states that that WRT plan did not propose to increase the development envelope of the city in relation to the General Plan, and that the proposed Plan further restricts height limits in comparison to the WRT plan; therefore, the comment states that the buildout of the proposed Plan should not be substantially higher than the No Project Alternative.

A June 2008 memorandum prepared by WRT provided land use assumptions for the Draft Downtown Lafayette Strategy and Specific Plan (evaluated in the Draft EIR as the Higher Intensity Alternative), and shows that the WRT plan could increase the number of housing units downtown by 1,200 units. The memorandum also states that the General Plan (evaluated in the Draft EIR as the No Project Alternative) would increase the number of units downtown by 500 units. Therefore, the land use assumptions used by WRT estimated that the WRT plan would increase the number of units downtown by 700 units, in comparison to development under the General Plan.

The buildout projections used for the Draft EIR differ from those put forth in the June 2008 memorandum prepared by WRT but similarly found that the WRT plan would result in more housing units than development under the General Plan. As shown in Table 5-1 of the Draft EIR, it is estimated that the Higher Intensity Alternative (development under the WRT plan) would result in 2,410 housing units and that the No Project Alternative (development under the General Plan) would result in 730 units.

Response 4-19

The comment asks that a column be added to traffic tables to show the per unit trip generation rate. The trip generation results presented in Table 4.13-10 and Table 4.13-14 reflect the application of the trip reduction factors described on pages 4.13-19 to 4.13-21 of the Draft EIR. The applied reduction factors vary, depending on the distance from the BART station of future development sites in the Plan Area. As a result, the trip generation rates per unit for residential and office uses vary depending on the proximity of development to BART. Adding columns with trip rates per unit to the tables, as recommended in the comment, would require inclusion of overall average trip rates for each land use. The reader could easily misinterpret such average trip rates as applying uniformly throughout the Plan Area, where such average trip rates would actually be somewhat higher than the analysis used for sites near the BART station, and somewhat lower than used in areas further away. A single table depicting all of the factors used to calculate the trip generation results, including different rates for daily trips and each of the three peak periods for each of the land use types, would also be confusing. The tables and information presented in the Draft EIR describing trip generation and the trip reduction factors used in the analysis comply with CEQA Guidelines and are considered to be the clearest way to convey this important data.

Response 4-20

The comment states that the EIR should explain the relative significance of different LOS F conditions. Please see response to Comment 4-13.

Response 4-21

The comment requests the travel time on State Route 24 during uncongested, off-peak conditions. The travel times on State Route 24 between St. Stephen's Drive and Interstate 680 for uncongested, off-peak conditions are approximately 5.1 minutes for eastbound traffic and 5.3 minutes for westbound traffic. These travel times were calculated based on the free-flow freeway speed and the length of the subject freeway segment. The last paragraph on page 4.13-30 of the Draft EIR has been amended to include this information, as shown in Chapter 3 of this Final EIR.

Response 4-22

The comment asks whether queuing associated with future traffic would impact the operation of a southbound through lane on Oak Hill Road if an additional southbound left-turn lane were added. To accommodate a southbound left-turn queue on Oak Hill Road without blocking the southbound through lane, the restriping plan proposed under Mitigation TRAF-1 should include two left-turn-only lanes and one shared lane for through and right-turn movements extending approximately 350 feet north from the limit line at the intersection with Mount Diablo Boulevard. The shared through-right lane would widen and diverge into one right-turn and one through lane, coinciding approximately with the length and location of the existing right-turn and shared left-through lane. The existing pavement width on Oak Hill Road can accommodate this configuration.

Response 4-23

The comment states that the first paragraph on page 4.13-41 of the Draft EIR should consider impacts associated with widening Moraga Road at Mount Diablo Boulevard. The comment states that the widening would result in a significant and unavoidable impact. Mitigation Measure TRAF-2 on page 4.13-49 of the Draft EIR describes widening Moraga Road approaching its intersection with Mount Diablo Boulevard. The Draft EIR states on page 4.13-49, "The improvements needed [...] are considered infeasible due to secondary impacts, which were described previously [...] Therefore this impact is significant and unavoidable." The text on page 4.13-49 of the Draft EIR al-

ready states the comment's recommendation. Therefore, no revision to the Draft EIR is necessary. However, the first paragraph on page 4.13-41 of the Draft EIR, and Mitigation Measure TRAF-2 and the subsequent paragraph under the heading "Significance After Mitigation" on page 4.13-49, have been revised for further clarification, as shown in Chapter 3 of this Final EIR. These revisions clarify that because of the issues involved with the widening, this potential mitigation is considered infeasible, and the LOS impact at the intersection is significant and unavoidable.

Response 4-24

The comment states that the Draft EIR should present options for improving conditions at the Moraga Road/School Street intersection. The comment suggests that one option would be to evaluate the impact of changing the pedestrian signal phasing from a scramble setting.

The existing pedestrian-only "scramble" signal phasing at the Moraga Road intersections with School Street and Brook Street was adopted through an extensive public process. Potential alternative signal phasing would require pedestrians to cross simultaneously with a green signal for some conflicting vehicle turning movements. The issues involved in eliminating the pedestrian-only "scramble" signal phasing could be considered unacceptably inconsistent with City policies regarding pedestrian safety and convenience, particularly for this school crossing.

Additionally, with any signal phasing to accommodate pedestrian crossings, some interruption of vehicle traffic flow is required. Implementing different pedestrian signal phasing at this intersection would likely have a limited benefit for vehicle traffic delay during the AM and mid-day school peaks.

Other options that could improve traffic conditions at the Moraga Road/School Street intersection are incorporated in the Specific Plan's Circulation Policy C-1.2, which encourages cooperative efforts with Lafayette Elementary and Stanley Middle Schools to address congestion associated with school drop-off and pick-up. Program C-1.2.1 indicates working with school

administrators and parents to develop options for school commuting. Program C-1.2.2 calls for investigating the feasibility of reestablishing school bus service to Lafayette Elementary and increasing service to Stanley Middle School.

The traffic analysis presented in the Draft EIR, including Sections iii, “Moraga Road/School Street,” and iv, “Moraga Road between School Street and Moraga Boulevard,” on pages 4.13-41 to 4.13-42 (Section iv revised as shown in Chapter 3 of this Final EIR) regarding the Moraga Road intersections with School Street and Brook Street, provides adequate evaluation of the Plan’s impacts and identification of mitigations according to CEQA Guidelines. Additional analysis related to the pedestrian signal phasing at the Moraga Road intersections with School Street and Brook Street can be conducted in future studies if considered warranted by the City.

Response 4-25

The comment asks for clarification regarding whether the Draft EIR proposes a two-way, center-turn lane on Moraga Road between School Street and Moraga Boulevard, or a southbound, left-turn lane. The center left-turn lane on Moraga Road proposed as a potential mitigation in the Draft EIR is envisioned as follows:

- ◆ Southbound left-turn-only between School Street and Brook Street.
- ◆ Southbound left-turn at Lafayette Elementary School or, to continue through Brook Street intersection only for left turn at School Street, extending for approximately 100 to 200 feet north from the crosswalk limit line at Brook Street.
- ◆ Two-way left turns between the north end of the left-turn lane described immediately above and Moraga Boulevard.

Response 4-26

The comment asks whether a southbound, center left-turn lane on Moraga Road between School Street and Moraga Boulevard would create impacts for northbound left turns.

With a center left-turn lane configuration on Moraga Road as described in response to Comment 4-25, northbound left-turn access to one existing driveway on the west side of Moraga Road could be impacted, especially during the AM and mid-day school peaks. Left-turn access at the first driveway north of Brook Street, which would likely be in the area of southbound left-turn-only lane, would still be available, but would require turning across three southbound lanes instead of the existing two lanes. At other driveways further north on both sides of Moraga Road, along the potential two-way left-turn lane segment, left-turn access could be improved with this proposed configuration.

Because of the issues involved with adding a center left-turn lane, this potential mitigation measure is considered infeasible. Section iv, “Moraga Road between School Street and Moraga Boulevard,” starting on page 4.13-41 of the Draft EIR, and Mitigation Measure TRAF-3 and the subsequent paragraph under the heading “Significance After Mitigation” on page 4.13-50, have been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-27

The comment asks whether a two-way, center-turn lane on Moraga Road would create operational and safety conflicts when demand for northbound and southbound left-turns overlap. With a center two-way left-turn segment on Moraga Road as described in response to Comment 4-25, demand for northbound and southbound left turns might overlap occasionally, resulting in conflicts for use of the center lane. However, a center two-way left-turn lane could also provide significant traffic safety and operational benefits compared to a configuration without a center lane for left turns only. Examples of the center two-way left-turn configuration exist on Mount Diablo Boulevard east of First Street and west of Dolores Drive.

Because of the issues involved with adding a center left-turn lane, this potential mitigation measure is considered infeasible. Section iv, “Moraga Road between School Street and Moraga Boulevard,” starting on page 4.13-41 of the Draft EIR, and Mitigation Measure TRAF-3 and the subsequent paragraph

under the heading “Significance After Mitigation” on page 4.13-50, have been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-28

The comment asks whether the elimination of the striped shoulder on Moraga Road would have an unavoidable impact on the implementation of the City’s Bikeway Master Plan.

Page 4.13-42 of the Draft EIR states, “The secondary impacts of adding a center left-turn lane could be considered unacceptably inconsistent with City engineering standards for lane widths, and policies regarding pedestrian and bicycle safety and convenience, which could prevent implementation.” The existing striped shoulders and the City’s Bikeway Master Plan are clearly incorporated in the statement’s reference to City engineering standards for lane width and policies on bicycle safety and convenience. Page 4.13-50 of the Draft EIR states, “[...] secondary impacts, which were described previously [...] make this improvement result in a significant and unavoidable impact.” The text in the Draft EIR already identifies an unavoidable impact based on policies that include the Bikeway Master Plan.

The comment also asks whether the elimination of on-street parking on Moraga Road would have significant secondary impacts. The potential center left-turn lane on Moraga Road would eliminate existing parking along the west curb of Moraga Road, as stated in the last paragraph on page 4.13-41 of the Draft EIR. The Draft EIR finds that Impact TRAF-3 would be significant and unavoidable due to these potential secondary issues.

Because of the issues involved with adding a center left-turn lane, this potential mitigation measure is considered infeasible. of the Draft EIR iv starting on page 4.13-41, and Mitigation Measure TRAF-3 and the subsequent paragraph under the heading “Significance After Mitigation” on page 4.13-50, have been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-29

The comment asks whether potential mitigation would have significant secondary impacts on existing bike lanes on Deer Hill Road. Regarding the eastbound bike lanes on Deer Hill Road, please see response to Comment 1-2.

Regarding the westbound bike lanes, the potential additional eastbound lane on Deer Hill Road would not affect the westbound bike lanes. However, the second paragraph on page 4.13-44 of the Draft EIR describes how a potential second westbound left-turn lane on Deer Hill Road approaching the State Route 24 westbound ramps would result in “eliminating the existing westbound striped bicycle lane along the north curb.” The same paragraph in the Draft EIR continued as follows: “The traffic lane along the curb would not be wide enough for a motor vehicle and a bicycle to travel safely side-by-side. The secondary impacts of adding a second westbound left-turn lane could be considered inconsistent with City engineering standards for lane widths, and policies regarding pedestrian and bicycle safety and convenience, including City and County bicycle plans; this inconsistency could prevent implementation. Therefore, this additional mitigation is not recommended.”

Additionally, Section v, “Deer Hill Road/State Route 24 Westbound Ramps,” on pages 4.13-42 to 4.13-44 of the Draft EIR, and the paragraph with the heading “Mitigation Measure TRAF-4” starting on page 4.13-50, have been revised to state more directly that these mitigations are considered infeasible, and no feasible mitigations are available to reduce this impact to less-than-significant, as shown in Chapter 3 of this Final EIR.

Response 4-30

The comment asks whether proposed mitigation for a second, eastbound, right-turn lane from Deer Hill Road to First Street would have significant secondary impacts.

The potential second eastbound right-turn lane on Deer Hill Road would be approximately the same length as the existing right-turn lane, which is approximately 250 feet long, most of the length of the block between First

Street and the State Route 24 off-ramp. This additional lane would also provide a receiving lane for the proposed additional eastbound through lane on Deer Hill Road at the State Route 24 ramp intersection. As stated in the top paragraph on page 4.13-43 of the Draft EIR, the two eastbound right-turn lanes would be controlled by a modified traffic signal at Deer Hill Road/First Street, replacing the uncontrolled free right-turn from the existing single lane that merges onto southbound First Street. Instead of the existing merge condition, the right-turn movements would have a separate signal phase from the conflicting movements at the intersection.

Regarding the potential impact of two right-turn lanes on the downstream southbound First Street left-turn lane at the State Route 24 eastbound on-ramp, the following information is based on traffic volumes at the subject intersections presented in Figure 4.13-5 on page 4.13-33 of the Draft EIR. During the critical PM peak hour at these intersections, approximately 1,600 right turns from eastbound Deer Hill Road are expected, but only 600 left turns compared to 1,100 through movements on southbound First Street at the State Route 24 on-ramp. (The 1,700 total southbound volume includes other movements from the Deer Hill Road intersection.) The proportions of the right turns from Deer Hill Road making left turns at the on-ramp are lower during the AM and mid-day peaks. These proportions indicate that potential traffic weaving issues on southbound First Street between the two right-turn lanes from Deer Hill Road and the single left-turn lane at the on-ramp could be addressed with advance guide signage on eastbound Deer Hill Road and southbound First Street. Signage would be similar to that existing on eastbound Mount Diablo Boulevard and northbound First Street, which indicates proper lane use for that left turn and downstream right turn to the on-ramp.

Please see response to Comment 1-2 regarding potential issues of this mitigation for the existing bike lane and bicycle operations. As noted in the Draft EIR text for Mitigation Measure TRAF-4 on pages 4.13-50 and 4.13-51, because the property constraints of the required widening may make this mitigation not feasible, the Plan's impact at this location would be significant and

unavoidable. Additionally, Section v, “Deer Hill Road/State Route 24 Westbound Ramps,” on pages 4.13-42 to 4.13-44 of the Draft EIR, and the paragraph with the heading “Mitigation Measure TRAF-4” starting on page 4.13-50, have been revised to state more directly that this mitigation is considered infeasible, and no feasible mitigations are available to reduce this impact to less-than-significant, as shown in Chapter 3 of this Final EIR.

Response 4-31

The comment asks whether a second westbound left-turn lane on Deer Hill Road would be beneficial on its own. With only the additional westbound left-turn lane (without the additional eastbound lane) on Deer Hill Road at the State Route 24 westbound ramps, the levels of service for the Cumulative with Specific Plan Project would be as follows:

- ◆ In the AM peak hour, the intersection would operate at an unacceptable “poor” LOS D with 54 seconds of delay, which is an improvement over the 60.5 seconds of LOS E delay for the Cumulative No Project (without mitigation) scenario.
- ◆ Acceptable “good” LOS D in the mid-day peak hour.
- ◆ In the PM peak hour, the intersection would operate at an unacceptable LOS E with 59 seconds of delay, which is an improvement over the 63.4 seconds of LOS E delay for the Cumulative No Project (without mitigation) scenario.

Response 4-32

The comment asks whether a second westbound left-turn lane on Deer Hill Road would impact the existing bike lane. The second paragraph on page 4.13-44 of the Draft EIR describes how the second westbound left-turn lane on Deer Hill Road approaching the State Route 24 westbound ramps would be accomplished, including “eliminating the existing westbound striped bicycle lane along the north curb.” Please see response to Comment 4-29 for further elaboration. Because of the issues involved with adding a second westbound left-turn lane, this potential mitigation measure is considered infeasible.

ble. The second paragraph on page 4.13-44 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-33

The comment requests clarification regarding the seconds of delay for the LOS E operation of Deer Hill Road at the State Route 24 ramps under the Cumulative No Project scenario. The intersection of Deer Hill Road and State Route 24 ramps would operate with 63.4 seconds of LOS E delay in the PM peak hour for the Cumulative No Project (without mitigation) scenario, as shown in Table 4.13-11 on page 4.13-29 of the Draft EIR.

Response 4-34

The comment states that the Draft EIR should assess the secondary impacts on pedestrians of potential mitigation for Deer Hill Road at the State Route 24 ramps. The second paragraph on page 4.13-44 regarding Deer Hill Road approaching the State Route 24 ramps states that the “resulting four-lane westbound configuration would shift vehicle traffic lanes to be immediately alongside the curb and sidewalk, where the sidewalks are generally only five feet wide and no landscaping is present to provide a buffer between pedestrians and vehicles.” This statement already suggests the issues for pedestrians with this potential mitigation. The paragraph further states: “The secondary impacts of adding a second westbound left-turn lane could be considered inconsistent with City engineering standards for lane widths, and policies regarding pedestrian and bicycle safety and convenience; this inconsistency could prevent implementation. Therefore, this additional mitigation is not recommended.” Because of the issues involved with adding a second westbound left-turn lane, this potential mitigation measure is considered infeasible. The second paragraph on page 4.13-44 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-35

The comment asks whether potential mitigation for eastbound lanes on Deer Hill Road at the State Route 24 ramps should be evaluated in terms of impacts on existing non-motorized policies similar to the evaluation of the po-

tential mitigation for westbound turn lanes. Please see response to Comment 1-2. Because of the issues involved with adding an eastbound lane, this potential mitigation measure is considered infeasible. The second paragraph on page 4.13-44, and the paragraph with the heading “Mitigation Measure TRAF-4” starting on page 4.13-50 of the Draft EIR, have been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-36

The comment asks at what stage of development the peak hour volume warrant would be met. The suggested analysis is beyond the scope of this EIR, as the location and timing of future development is not known. It would therefore be speculative to try to determine when the trigger would occur. The Draft EIR recommendation that the City monitor the intersection and install the traffic signal at such time that the specified threshold is met complies with CEQA Guidelines regarding mitigations.

Response 4-37

The comment requests that the Draft EIR consider roundabouts as a means of mitigation. Roundabouts are a potential alternative to traffic signals, but are not appropriate mitigation measures for the impacted downtown intersections. Roundabouts typically require more land area than a standard intersection, and the continuous traffic flow of a roundabout presents problems for pedestrians crossing that flow. Pedestrian safety and convenience and land area would be important considerations in the context of the Plan Area.

Response 4-38

The comment asks how proposed mitigation to install a traffic signal at the Oak Hill Road off-ramp would impact the operation of the Mount Diablo Boulevard/Oak Hill Road intersection and whether it would result in secondary impacts. Installation of a traffic signal at the Oak Hill Road/State Route 24 eastbound off-ramp intersection would not significantly impact traffic operations at the Mount Diablo Boulevard/Oak Hill Road intersection or the Deer Hill Road/Oak Hill Road intersection. Based on the Synchro intersection LOS analysis that was performed to develop the mitigation measures in

the Draft EIR, the projected queues on Oak Hill Road with a signal at the State Route 24 eastbound off-ramp intersection would not be long enough to interfere with traffic flow at the adjacent Oak Hill Road intersections with Mount Diablo Boulevard and with Deer Hill Road. Installation of a traffic signal at the Deer Hill Road/Oak Hill Road intersection would not significantly impact traffic operations at the Oak Hill Road/State Route 24 eastbound off-ramp intersection. Based on the Synchro intersection LOS analysis that was performed to develop the proposed mitigations, the projected queues on northbound Oak Hill Road with a signal at the Deer Hill Road intersection would not be long enough to interfere with traffic flow at the adjacent Oak Hill Road/State Route 24 eastbound off-ramp intersection.

Responses 4-39 and 4-40

The comment states that the following sentence on page 4.13-45 of the Draft EIR may misrepresent the nature of the change in traffic volume at the intersection of Deer Hill Road and Happy Valley Road: “Buildout of the Plan would result in increases in traffic volumes such that the intersection of Deer Hill Road and Happy Valley Road would deteriorate from LOS D to LOS E in the mid-day peak hour.” The comment states that installing a traffic signal at the intersection of Deer Hill Road and Happy Valley Road could result in higher speeds on Happy Valley Road. However, the comment does not provide information in support of the suggestion that traffic speeds would increase. Any intersection signalization would be consistent with applicable design standards, and posted speed limits would not change; no significantly increased hazards would result. Potential traffic speed increases that would not substantially increase hazards, such as near an intersection following installation of a signal that is consistent with applicable design standards, are not identified as a potential impact under CEQA guidelines. The City has not defined thresholds or standards of significance for potential increased traffic speed impacts resulting with installation of traffic control devices. Therefore, potential traffic speed increases resulting with intersection signalization are not considered an impact under CEQA. If the City desired to pursue traffic calming measures along Happy Valley Road, such measures could include

speed humps, curb bulb-outs, special signage, and signal timing to enhance pedestrian safety.

With the alternative mitigation suggested in the comment, adding a southbound left-turn lane on Happy Valley Road at Deer Hill Road and maintaining all-way stop control, the same LOS results and significant impacts would be identified as presented in the Draft EIR on page 4.13-37, as follows:

- ◆ LOS F in the AM peak hour
- ◆ LOS E in the mid-day peak hour
- ◆ LOS F in the PM peak hour

Response 4-41

The comment requests a revision to the text on page 4.13-45 of the Draft EIR. The first paragraph in section vii. on page 4.13-45 has been revised accordingly, as shown in Chapter 3 of this Final EIR. Please also see response to Comment 4-42, below.

Response 4-42

The comment states that the Draft EIR should consider associated impacts related to the potential for increased vehicle speeds and pedestrian impacts associated with signalizing the Happy Valley Road/Deer Hill Road intersection. Please see response to Comment 4-40.

The comment also requests information regarding traffic queues with the proposed signalization of the Deer Hill Road/Happy Valley Road intersection. During the AM peak hour, the queue in the westbound left-turn lane on Deer Hill Road could occasionally extend past the intersection with North Thompson Road. The southbound queue on Happy Valley Road could occasionally extend past Hester Lane during the AM, mid-day, and PM peak hours; however, similar queuing would also occur during the mid-day school peak with the existing all-way stop control. With either signalization or all-way stop control, the southbound queue would extend past Lois Lane and Happy Valley Lane during all three peak periods. Traffic queue conditions

are not identified in CEQA guidelines as a topic requiring evaluation for potential impacts in environmental documents, and the City has not defined thresholds or standards of significance for traffic queue impacts. Therefore, traffic queue issues are not considered as an impact under CEQA.

The comment requests information regarding at what phase the intersection would operate unacceptably and require the proposed mitigation. Page 4.13-45 of the Draft EIR states, “The City should monitor the intersection and install the traffic signal at such a time that mid-day or PM peak hour operations deteriorate to LOS E, or as determined by the City of Lafayette.” The intersection currently operates at LOS F in the AM peak hour. The intersection would also operate at an unacceptable LOS E during the PM peak hour and meet peak hour signal warrants in the Cumulative No Project scenario. See response to Comment 4-36 regarding the suggested phasing analysis.

Response 4-43

The comment requests a revision to the text on page 4.13-46 of the Draft EIR. The first paragraph in section viii. on page 4.13-46 has been revised accordingly, and shown in Chapter 3 of this Final EIR.

Response 4-44

The comment states that a traffic signal at Deer Hill Road and Oak Hill Road may result in increased travel speeds on Deer Hill Road, as well as impact access from side streets and the BART driveways. Installing a traffic signal at the intersection of Deer Hill Road and Oak Hill Road could result in higher vehicle speeds on Deer Hill Road near the intersection. Any intersection signalization would be consistent with applicable design standards, and posted speed limits would not change; no significantly increased hazards would result. Significant increases in vehicle speeds would be unlikely on Deer Hill Road near North Thompson Road, because it is more than 600 feet from the proposed signal at Oak Hill Road, a distance that already allows vehicle acceleration to and deceleration from free-flow speed with the existing all-way stop control. Potential traffic speed increases that would not substantially increase hazards, such as near an intersection following installation of a signal that is

consistent with applicable design standards, are not identified as a potential impact under CEQA guidelines. The City has not defined thresholds or standards of significance for potential increased traffic speed impacts resulting with installation of traffic control devices. Therefore, potential traffic speed increases resulting with intersection signalization are not considered an impact under CEQA. If the City desired to pursue traffic calming measures along Deer Hill Road, such measures could include speed humps, curb bulb-outs, special signage, and signal timing to enhance pedestrian safety.

Response 4-45

The comment states that an additional eastbound, right-turn lane from Deer Hill Road to First Street may create several operational issues. The comment asks whether a vehicle in the outer lane would have sufficient time to transition to the southbound, left-turn onto eastbound State Route 24. Please see response to Comment 4-30.

Response 4-46

The comment asks for clarification regarding the signal phase during which pedestrians on the east side would cross the street if a signal were added to the First Street on-ramp. The analysis presented in the Draft EIR assumes a standard phasing sequence for the proposed traffic signal on First Street at the State Route 24 eastbound on-ramp, with pedestrians on the east side of First Street crossing the on-ramp during the green signal phase for northbound traffic. Crossing pedestrians and northbound right turns are conflicting movements with both the assumed signal phasing and the existing free right-turn configuration. Potential alternative signal phasing could provide a “head start” of several seconds for the pedestrian “WALK” signal before the northbound green signal for vehicles, which would allow pedestrians to enter the crosswalk before the right-turn vehicle flow, or a pedestrian-only phase completely separate from the conflicting vehicle phases. Such alternative signal phasing would reduce the green signal time available for the southbound left-turn and northbound through and right-turn movements, increasing delay and queue length for those movements. The descriptions of mitigation measures presented in the Draft EIR provide sufficient information for pur-

poses of this programmatic EIR. Detailed design of recommended mitigations is not required at this time.

Response 4-47

The comment asks for clarification regarding the bicycle route for bicyclists heading eastbound on Deer Hill Road and then turning southbound on First Street. The analysis presented in the Draft EIR assumes the same lane configuration as existing for southbound First Street, and the route and appropriate lane use for bicyclists would not change. Bicyclists heading eastbound on Deer Hill Road would ride on the far right near the curb approaching the right turn to First Street, and continue riding southbound near the right curb on First Street.

Response 4-48

The comment asks for clarification regarding queuing associated with the installation of a traffic signal at the First Street on-ramp. Installing a traffic signal at the intersection of First Street and the State Route 24 eastbound on-ramp would result in northbound queues on First Street, potentially extending several hundred feet south from the intersection during peak hours. Long queues for the southbound left-turn could extend north toward Deer Hill Road during the PM peak hour, but would be approximately half as long as they would be without the proposed traffic signal. Additional modifications to this intersection could be needed to reduce the expected queue lengths. Traffic queue conditions are not identified in CEQA guidelines as a topic requiring evaluation for potential impacts in environmental documents, and the City has not defined thresholds or standards of significance for traffic queue impacts. Therefore, traffic queue issues are not considered as an impact under CEQA.

Response 4-49

The comment requests that the discussion of State Route 24 be amended to reflect a recently adopted Lamorinda Action Plan gateway policy. The text in Section x, "State Route 24 Delay Index" on page 4.13-47 of the Draft EIR already states that other than a Caltrans study (Corridor System Manage-

ment Plan) that includes consideration of potential HOV lanes on State Route 24, “No other capacity expansion project is currently under consideration by the responsible regional transportation agencies.” This statement is consistent with the recently adopted gateway policy. Please also see response to Comment 1-5.

Response 4-50

The comment requests a revision to the text on page 4.13-51 of the Draft EIR. The first paragraph in Impact TRAF-6 on page 4.13-51 has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-51

The comment asks what improvements would be needed to accommodate pedestrian queuing at the intersection of Deer Hill Road and Oak Hill Road under Mitigation Measure TRAF-7. The existing sidewalk areas on the southwest and southeast corners of the intersection, where high pedestrian volumes generated by the nearby BART station and its parking lots are concentrated, appear adequate to accommodate pedestrian queues with signalization of the intersection. If needed, construction of an additional corner sidewalk area would be feasible, possibly in collaboration with BART for property access as appropriate.

Response 4-52

The comment is in reference to Mitigation Measure TRAF-8. The comment asks how a signal at the First Street on-ramp would operate, and whether one or both of the northbound lanes would need to stop in order to permit a southbound left turn. The analysis presented in the Draft EIR assumes that both northbound lanes on First Street would be signal controlled with a red signal phase during the green signal for southbound left turns to the State Route 24 eastbound on-ramp. Please also see response to Comment 4-46. The descriptions of mitigation measures presented in the Draft EIR provide sufficient information for purposes of this programmatic EIR. Detailed design of recommended mitigations is not required at this time.

Response 4-53

The comment asks if queuing under Mitigation Measure TRAF-8 would impact nearby driveways, particularly the future Whole Foods. With the existing configuration for left turns onto northbound First Street from the driveway at the proposed Whole Foods, those movements would need to merge into the queue from the proposed signal at the State Route 24 eastbound on-ramp during peak hours. Peak hour queues on northbound First Street could also extend across one, and potentially both, of the existing driveways on the east side of the street. Also see response to Comment 4-48. Additional modifications to this intersection could be needed to reduce the expected queue lengths. Traffic queue conditions are not identified in CEQA guidelines as a topic requiring evaluation for potential impacts in environmental documents, and the City has not defined thresholds or standards of significance for traffic queue impacts. Therefore, traffic queue issues are not considered as an impact under CEQA.

Response 4-54

The comment states that Chapter 4.13, Transportation and Circulation, should evaluate goals and policies from the City's Master Walkways Plan and Bikeways Master Plan. Page 4.13-54 of the Draft EIR has been amended in response to the comment, and shown in Chapter 3 of this Final EIR. Relevant goals and policies from the City's Master Walkways Plan and Bikeways Master Plan are already reflected where appropriate in the subsequent Draft EIR section 2. Existing Conditions, under b. Pedestrian Facilities (page 4.13-57) and c. Bicycle Facilities (page 4.13-60). These goals and policies were also considered in evaluating the Plan's impacts, as presented in the subsequent Draft EIR section 4. Impact Discussion, under b. Pedestrian Facilities Impacts (page 4.13-67) and c. Bicycle Facilities Impacts (page 4.13-68).

Response 4-55

The comment states that a small BART-owned parking lot should be included in the Draft EIR's total number of parking spaces at the Lafayette BART station. The last paragraph on page 4.13-54 has been revised in response to the comment, as shown in Chapter 3 of this Final EIR.

Response 4-56

The comment also asks how much bicycle parking is provided by racks and lockers. The last paragraph on page 4.13-54 has been revised in response to the comment, as shown in Chapter 3 of this Final EIR.

Response 4-57

The comment requests a revision to the text on page 4.13-54 of the Draft EIR. The last paragraph on page 4.13-54 has been revised in response to the comment, as shown in Chapter 3 of this Final EIR.

Response 4-58

The comment notes a typographical error on page 4.13-55 of the Draft EIR. The text of the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-59

The comment requests that the Draft EIR be revised to note that Acalanes High School is served by Route 625. The first paragraph on page 4.13-57 of the Draft EIR has been revised in response to the comment, as shown in Chapter 3 of this Final EIR.

Response 4-60

The comment states that a key component of the Plan is to encourage alternatives to driving. The comment states that the Draft EIR does not evaluate whether improvements are needed at bus stops to improve access and better serve new development. The comment asks if all-weather paving is needed at bus stops, and whether waiting areas are ADA accessible. The Plan's Circulation Policy C-4.2 supports transportation for seniors and persons with disabilities. Program C-4.2.1 encourages BART to improve access for people with disabilities to the south side of the station. Program C-4.2.2 calls for incorporating transit supportive infrastructure, such as benches, trash receptacles, and all-weather pavement at stops, in the downtown. Potential improvements at bus stops are not directly related to the Plan's impacts or miti-

gation, and the design details noted in the comment are beyond the scope of this programmatic EIR.

Response 4-61

The comment states that the Draft EIR does not adequately evaluate impacts to pedestrian facilities. The comment states that the Draft EIR should analyze how long blocks, signal timing, high speed and high volume traffic, driveway design, and connections to building entrances impact pedestrian mobility. The first several paragraphs under the heading “b. Pedestrian Facilities,” starting on page 4.13-57 of the Draft EIR, have been amended in response to the comment, as shown in Chapter 3 of this Final EIR.

Response 4-62

The comment states that the Draft EIR mischaracterizes sidewalks in the Downtown Retail District as nearly continuous. The text on page 4.13-57 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-63

The comment requests that a north arrow be added to figures in Chapter 4.13, Transportation and Circulation, of the Draft EIR. Figure 4.13-6 on page 4.13-59 and Figure 4.13-1 on page 4.13-6 have been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-64

The comment states that the Lafayette Bikeways Master Plan identifies many existing and proposed facilities in the Plan Area and requests a revision to the text on page 4.13-60 of the Draft EIR. The first paragraph on page 4.13-60 has been revised in response to the comment, as shown in Chapter 3 of this Final EIR. The revision clarifies that the sentence describes the existing bikeway facilities that are specified in the Bikeway Master Plan, which is the topic of the subject section of the Draft EIR. Proposed bikeways are described in the subsequent section 4.c, Bicycle Facilities Impacts, of the Draft EIR.

Response 4-65

The comment states that Bicycle Boulevards are a key component of the Lafayette Bikeways Master Plan, and requests a revision to the text on page 4.13-60 of the Draft EIR. The topic of the subject section of the Draft EIR is the existing conditions for bicycle facilities. Bicycle Boulevards have not yet been implemented in the Plan Area. The proposed Bicycle Boulevards located within the Plan Area are described in the subsequent section 4.c, Bicycle Facilities Impacts of the Draft EIR.

Response 4-66

The comment states that safety for bicycles and pedestrians should be included as a standard of significance in the Draft EIR. The standards of significance for impacts on bicycle and pedestrian facilities are based on the CEQA Guidelines in place when the Notice of Preparation for this EIR was published (June 12, 2009). Since the publication of the Notice of Preparation, the California Natural Resources Agency adopted revised CEQA Guidelines that do require an evaluation of impacts associated with the safety of bicycle and pedestrian facilities.

Standard of Significance #7 in Chapter 4.13 of the Draft EIR is whether the Plan would “Substantially increase hazards due to a design feature (e.g. sharp curves, intersections or driveways with restricted visibility, etc.)” Although safety for bicyclists and pedestrians was not specifically mentioned in the text description cited above, safety is assumed to be included under the stated standards of significance in evaluating the potential impacts of the Plan for the Draft EIR. The Plan and its policies and programs, as well as potential traffic mitigations, were evaluated in regard to safety for pedestrians and bicyclists, as well as vehicle traffic, using this standard. For example, Impact TRAF-14 was identified for bicycle and pedestrian safety at driveways for the parking facilities to be developed with the Plan. Potential impacts to pedestrian and bicycle safety have been addressed in the Plan and the Draft EIR.

Response 4-67

The comment provides information about Route 25. The comment is noted. The additional information does not relate to the analysis or conclusions of the Draft EIR. Therefore, no revision to the Draft EIR has been made.

Response 4-68

The comment states that proposed mitigation measures would create a less comfortable walking environment and may raise safety concerns. As stated in the paragraph referenced by the commentor on page 4.13-68 of the Draft EIR, “The proposed pedestrian improvements under the Plan are expected to enhance the current pedestrian experience in downtown Lafayette.” The pedestrian and streetscape improvements proposed in the Plan would create a more comfortable walking environment and encourage walking. The Plan includes policies and programs for the Plan Area to:

- ◆ Eliminate walkway gaps and make all walkways fully accessible.
- ◆ Increase pedestrian safety and convenience crossing Mount Diablo Boulevard.
- ◆ Improve walkway connections at driveway crossings, and develop off-street linkages with downtown streets, links between streets and properties, and links between properties.

Regarding the mitigations for traffic impacts proposed in the Draft EIR, the Draft EIR acknowledges mitigations that would result in secondary impacts to bicycle and pedestrian facilities, and found the traffic impacts to be significant and unavoidable if these secondary impacts could not be mitigated. Portions of Chapter 4.13 of the Draft EIR, Sections A.4.c, “Future Improvements,” A.5, “Impacts and Mitigation Measures,” have been revised to state more directly that mitigations involving issues that cannot be adequately addressed are considered infeasible, and no feasible mitigations are available to reduce the subject traffic impacts to a less-than-significant level, as shown in Chapter 3 of this Final EIR.

In cases where the potential pedestrian safety/convenience issues involved for proposed mitigations can be adequately addressed, the Draft EIR finds the

traffic impacts to be less than significant. Mitigation Measure TRAF-1, re-striping Oak Hill Road to add a lane, would move traffic lanes closer to the curb and sidewalk on both sides of Oak Hill for up to 375 feet north of Mount Diablo Boulevard. The potential issues involved for pedestrian safety/convenience could be addressed with installation of, or extension of an existing, landscaped strip or other buffer feature between the sidewalk and traffic on both sides of the street, and possibly widening a portion of sidewalk on the east side of the street. Therefore, Impact TRAF-1 is found to be less than significant. Impacts TRAF-2, -3, and -4 would have similar issues for pedestrians, but those mitigations are considered infeasible and these impacts are found to be significant and unavoidable.

Impacts TRAF-5, -6, -7, and -8 propose installation of traffic signals, that would not require modification of existing lane configurations in a way that would reduce the existing separation between pedestrians and vehicle traffic. The proposed traffic signal installations could incorporate design features as appropriate to each location to enhance pedestrian safety and convenience, such as pedestrian signals with countdown indications and audible signals, high-visibility crosswalk markings, preferential pedestrian signal timing plans (e.g. “head start” or pedestrian-only signal phase), and expanded sidewalk area at corners.

Response 4-69

The comment states that the Lafayette Bikeways Master Plan designates Moraga Road as a Class III facility only between Mount Diablo Boulevard and Old Jonas Hill, and Moraga Boulevard as a Class II facility. The paragraph on page 4.13-68 of the Draft EIR introducing the described bikeway facilities states: “The following projects are planned within the Plan Area...” In that context, the text description of a planned Class III bike facility on “Moraga Road south of Mount Diablo Boulevard” is adequate because it accurately describes the planned facility for the portion of Moraga Road within the Plan Area. Regarding the planned Moraga Boulevard facility, both Figure 5-2 and Table 5-1 in the Bikeways Master Plan (adopted September 25, 2006) have

been checked to confirm that a Class III Bike Route is planned between Moraga Road and the Lafayette-Moraga Trail via Hawthorne Drive.

Response 4-70

The comment states that new development under the Plan has the potential to improve conditions to bicycling by incorporating bicycle support facilities such as parking, changing rooms, and shower. Page 4.13-69 of the Draft EIR has been revised to include reference to relevant policies of the Plan, as shown in Chapter 3 of this Final EIR.

Response 4-71

The comment asks how Mitigation Measure TRAF-11 could be implemented. Funding for implementation of Mitigation Measure TRAF-11 would be determined by the City and BART, and could be collected through developer contributions to an account specified for such mitigations, or a benefit district. Other funding sources could also be available to BART and the City in the future. The methods for implementing this mitigation measure will be set forth in writing by the City in the mitigation monitoring and reporting program that will be developed and adopted by the City through the EIR certification process, as required under Section 15097 of the CEQA Guidelines. The City of Lafayette would collaborate with BART on monitoring the fare gate waiting times by providing regular reports to BART on new development projects in the Plan Area. The threshold for installing additional fare gates will be at such time that average waiting times exceed one minute for BART patrons at existing fare gates, if BART concurs that installation of additional fare gates is warranted at such time. Potential methods for funding this mitigation measure include:

- ◆ Developer contributions to an account specified for mitigation of impacts.
- ◆ Formation of a benefit assessment district to collect funds from specified property and/or business owners.
- ◆ Other funding sources that may be available to BART and the City in the future.

The first two funding methods would likely require preparation of a conceptual design and cost estimates for construction of the additional fare gates, as part of a nexus study to determine the appropriate amounts of developer contributions or assessments to be collected for various land uses, property locations, etc., based on their relative contribution to the impact or benefit from the improvement. This may be accomplished through a revision or update of the Lamorinda Nexus Study. The City would collaborate with BART as needed on funding methods.

Response 4-72

The comment requests a revision to the text on page 4.13-70 of the Draft EIR. The area defined for the existing parking data reported in the Draft EIR does not correspond to the boundaries of the Downtown Districts in the Plan Area. The subject Draft EIR text describing the area “along Mount Diablo Boulevard between Second Street and Happy Valley Road” is taken directly from the Fehr & Peers memorandum dated November 12, 2007, *Summary: Existing Transportation Conditions in the Lafayette Downtown Strategy Study Area*, which is the source of the reported parking data.

Response 4-73

The comment states that the General Plan contains several goals and policies promoting alternatives to the single occupancy vehicle and reducing parking demand. Section 1, Regulatory Framework, on page 4.13-70 of the Draft EIR has been amended in response to the comment, as shown in Chapter 3 of this Final EIR. Goal C-7, “Reduce automobile travel demand,” and Goal C-8, “Promote alternatives to the single-occupant automobile,” and related policies are already included in Table 4.13-18 of the Draft EIR. These adopted goals and policies would encourage reduced parking demand.

Response 4-74

The comment states that multiple, smaller parking facilities would have few significant traffic impacts and better serve various needs along Mount Diablo Boulevard, rather than a single, larger facility.

Multiple smaller parking facilities instead of just one or very few larger facilities, if the smaller facilities were dispersed among separate street blocks, would tend to reduce the localized traffic impacts described in Impact TRAF-12. This approach could have several potential negative impacts:

- ◆ The additional number of parking driveways would be inconsistent with General Plan Circulation Policy C-1.6 regarding Traffic Safety, specifically Program C-1.6.3: “Minimize the number of driveway accesses to arterial streets in the core area. Encourage shared access where appropriate. Require that new proposals for access be reviewed for safety by the city traffic engineer.” Additional driveways would result in additional traffic conflict points, both with pedestrians and bicyclists, exacerbating Impact TRAF-14, and between vehicles, especially with closer spacing between driveways. These potential additional conflict points could present issues for pedestrian safety and walkability in the Plan Area.
- ◆ Smaller parking facilities typically have less efficient parking layouts than larger facilities, resulting in fewer parking spaces per unit of surface area (e.g. per thousand square feet).
- ◆ Multiple small parking facilities would be inconsistent with the Plan’s Circulation policies for parking. Program C-5.1.3 states: “Work with downtown property owners, developers, and businesses to aggregate existing and new parking lots for customers.” Policy C-5.2 states: “Encourage a ‘park once’ philosophy among customers to reduce vehicle trips where clusters of complementary uses and small areas of the downtown make it practical and convenient.” These policies suggest aggregating parking in larger facilities rather than multiple smaller facilities.

Therefore, developing multiple smaller parking lots instead of fewer larger parking facilities is infeasible as mitigation for Impact TRAF-12.

Response 4-75

The comment asks for additional information regarding potential impacts at parking structure locations. The first full paragraph on page 4.13-72 has been revised in response to the comment, as shown in Chapter 3 of this Final EIR.

Also, the potential impacts are described in Impact TRAF-12 on page 4.13-75 of the Draft EIR.

Response 4-76

The comment states that Mitigation Measure TRAF-14 should be revised to include design elements to warn drivers when pedestrians are crossing drive-ways. Mitigation Measure TRAF-14 has been revised in response to the comment, as shown in Chapter 3 of this Final EIR.

Response 4-77

The comment requests that Table 5-1 in the Draft EIR be relocated to the bottom of page 5-1, rather than appearing at the top of page 5-2. Table 5-1 would not fit at the bottom of page 5-1 following the text reference to the table and thus must remain at the top of page 5-2. This is consistent with the formatting throughout the document, in which tables appear at the top of the page following their respective text references. No change to the Draft EIR is necessary.

Response 4-78

The comment requests that St. Mary's Road and Old Tunnel Road be labeled in the figures in Chapter 5 of the Draft EIR, and that the label for Moraga Road be relocated to be more legible. The following figures have been revised accordingly, as shown in Chapter 3 of this Final EIR: 3-2, 3-3, 3-4, 4.6-1, 4.7-1, 4.7-2, 4.8-1, 4.8-2, 4.8-3, 4.11-1, 4.14-2, 5-1, 5-2, 5-13, 5-14, 5-15, and 5-16.

Response 4-79

The comment requests that a title be added to the legend of Figure 5-2 of the Draft EIR. Figure 5-2 has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-80

The comment states that the perspective does not appear to be consistent on Figures 5-3 and 5-4. The perspectives on these figures are the same.

Response 4-81

The comment states that the geology and soils discussions in Chapter 5, Alternatives, imply that the Plan Area is not subject to seismic activity. As stated in Chapter 4.5, Geology and Soils, Lafayette is vulnerable to seismic activity due to the location of several faults within the region, and the General Plan does acknowledge that significant damage could occur in Lafayette due to earthquakes originating from faults in nearby areas or independent movement along the local faults. The text on pages 5-21, 5-37, and 5-51 of the Draft EIR has been revised to acknowledge that Lafayette is vulnerable to seismic activity, as shown in Chapter 3 of this Final EIR.

Response 4-82

The comment states that the geology and soils discussions in Chapter 5, Alternatives, do not acknowledge risks associated with the failure of the Lafayette Reservoir during seismic events. Risks associated with dam failure are addressed in Chapter 4.7, Hydrology and Water Quality. In Chapter 4.7, it is found that existing procedures and regulations ensure that impacts would be less than significant. A summary of this finding is provided on page 5-23 in regards to the No Project Alternative. This summary has been expanded to include dam failure, as shown in Chapter 3 of this Final EIR.

Response 4-83

The comment requests confirmation of the statement in the Draft EIR that the Plan Area does not contain any slopes greater than 30 percent. As noted in footnote #22 on page 4.5-11 of the Draft EIR, the source of this information is the 2002 *Revised Draft Environmental Impact Report for Lafayette General Plan Revision*. The information in the City's 2002 General Plan EIR is based on 1976 and 1995 slope data. More recent data published by the United State Geological Survey in 1998 shows that few areas of the Plan Area do contain slopes greater than 30 percent. The parcels containing these slopes comprise approximately 16.5 acres, or approximately 5.5 percent of the Plan Area. These parcels are located in the northwest and southeast portions of the Plan Area. Please see Figure 4.5-2, which has been added to the Draft EIR as shown in Chapter 3 of this Final EIR. Chapter 3 of this Final EIR also shows

revisions to Chapter 4.5, Geology and Soils, and Chapter 5, Alternatives, to reflect this information.

Response 4-84

The comment states that it is inaccurate to say that the Plan Area does not contain high fire risk areas because the Contra Costa Fire District calls Lafayette a high-risk area and a continuous fuel change. The comment also refers to lack of emergency roads in and out of Lamorinda. The commentor is correct that the text in Chapter 5 is inaccurate regarding high fire risk areas. As stated on page 4.6-10 of the Draft EIR, and as mapped in Figure 4.6-1, relatively small areas of the Plan Area has been designated by the California Department of Forestry and Fire Protection (CALFIRE) as “Moderate” or “High” fire risk. The text in Chapter 5 has been revised accordingly, as shown in Chapter 3 of this Final EIR. As described on page 4.6-17 of the Draft EIR, implementation of the Plan is not expected to interfere with emergency evacuation. The Plan Area is in close proximity to major roadways providing access through and out of the Plan Area, and existing local and regional programs and procedures provide adequate emergency preparedness.

Response 4-85

The comment asks for clarification regarding the statement on page 5-25 of the Draft EIR that, “The Lafayette General Plan anticipates 1,108 new housing units between 2010 and 2030, with a corresponding population increase of 2,881 new residents; ABAG projects that the City of Lafayette will increase by 770 units and 2,000 residents. In comparison, the No Project Alternative would generate a total of 730 new residential units and 1,898 new residents in the Plan Area, using the average household size of 2.6.” The comment asks which projections are citywide and which are for the Plan Area. The Lafayette General Plan and ABAG projections are citywide, while the No Project Alternative projections are for the Plan Area. This text has been revised to make this information more clear, as shown in Chapter 3 of the Final EIR.

Response 4-86

The comment refers to the legend of Figure 5-14 and asks whether it is correct that the blue area refers to the Plan Area of the Plan (the proposed Plan), and that the dashed black line refers to the Plan Area of the Draft Downtown Lafayette Strategy and Specific Plan (the Draft Plan), which is the Higher Density Alternative. The legend is correct.

Response 4-87

The comment refers to a statement on page 5-53 of the Draft EIR that, “The Higher Intensity Alternative proposes to explore the provision of a new roadway connection between the State Route 24 eastbound off-ramp and on-ramp, just south of State Route 24.” The comment requests that this sentence be revised to include a more specific explanation of where the new roadway connection would be. The text of the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 4-88

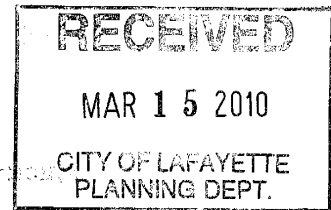
The comment notes an error on page 5-57 of the Draft EIR. The second paragraph on page 5-57 has been revised in response to the comment, as shown in Chapter 3 of this Final EIR.

Response 4-89

The comment asks how right-turn arrows would impact existing U-turns on Mount Diablo Boulevard. The proposed mitigation to install southbound right-turn arrow signals on Happy Valley Road and First Street would require prohibiting eastbound to westbound U-turns on Mount Diablo Boulevard at those two intersections.

Response 4-90

The comment states that the Draft EIR describes four downtown unsignalized intersections that would not be considered “downtown” intersections under the General Plan. The first full paragraph on page 5-58 has been revised in response to the comment, as shown in Chapter 3 of this Final EIR.



March 11, 2010

Ms. Ann Merideth
Community Development Director
City of Lafayette
3675 Mount Diablo Boulevard, Suite 210
Lafayette, CA 94549

Subject: Creeks Committee Comments on the Draft Environmental Impact Report for the Downtown Lafayette Specific Plan, January 26, 2010

Dear Ms. Merideth:

The City of Lafayette Creeks Committee has reviewed the *Draft Environmental Impact Report for the Downtown Lafayette Specific Plan* (State Clearinghouse Number: 2009062056), prepared by Design, Community & Environment and dated January 26, 2010 ("Draft EIR"). We offer the following comments for your consideration.

SECTION 4.7 HYDROLOGY AND WATER QUALITY

D. Impact Discussion

1. Violation of Water Quality Standards or Waste Discharge Requirements

Pages 4.7-17 and 4.7-18

The last sentence starting on the bottom of page 4.7-17 states, "SWRCB Permits apply to dischargers whose projects disturb 1 or more acres of soil, of which there would be none in the Plan Area." It seems plausible that there would be redevelopment projects in the Downtown Specific Plan area that would disturb 1 or more acres of soil. Please verify the accuracy of this statement and rewrite the impact discussion as applicable.

5-1

5. Creation or Contribution of Runoff Water or Pollution in Excess of Storm Drainage System Capacity

Page 4.7-20, 2nd full paragraph

The first sentence states, "There are currently no significant deficiencies in the publicly-owned portion of the storm sewer system in the Plan Area." Figure 4.7-1 (Areas of Special Flood Hazards) shows the 100-year floodplain extending out of the channel of Lafayette Creek from Moraga Road upstream beyond (west of) Dewing Avenue. Review of a draft technical memorandum prepared by Philip Williams & Associates (PWA) for the City of Lafayette, dated May 23, 2003, indicates that the estimated flow capacities of the First Street, Moraga Road and Dewing Avenue culverts are significantly lower than the estimated 100-year peak (discharge) of 1,740 cfs." The PWA technical memorandum appears to contradict the statement in the Draft EIR.

5-2

Ann Merideth
City of Lafayette
March 11, 2010
Page 2

While we do not think that the conclusions of the impact discussion are changed by taking the PWA technical memorandum into account, the Draft EIR should accurately report the existing hydrologic conditions in the area. Also, in light of the inadequacy of the storm drain culverts, redevelopment of this part of the Downtown Specific Plan area may offer an opportunity to re-engineer selected storm drain culverts, reconfigure adjacent creek channels, and restore natural riparian drainages to reduce the 100-year flood hazard area.

5-2
cont.

8. Inundation by Seiche, Tsunami, or Mudflow

Page 4.7-22, 1st full paragraph

While this paragraph discusses the erosion and creek bank failure that occurs periodically in the Plan Area, it discusses a physical process that is different geologically from inundation by seiche, tsunami or mudflow. Therefore, we don't think this paragraph belongs in this section. If it is decided to keep this paragraph in the Final EIR, then we recommend that the word "mudslides" in the fifth and sixth lines of the paragraph be replaced with the more accurate term "earth slumps" (or alternatively, "creek bank failure").

5-3

SECTION 4.12 UTILITIES AND SERVICE SYSTEMS

C. Stormwater

2. Existing Conditions

Page 4.12-20, 1st paragraph

The sentence starting in the middle of the eighth line states, "There are currently no significant deficiencies in the publicly-owned portion of the storm sewer system in the Plan Area." Please see our comments above on Section 4.7, D, 5, page 4.7-20.

5-4

SECTION 4.14 BIOLOGICAL RESOURCES

B. Existing Conditions

b. Riparian Woodland and Scrub

Page 4.14-13, 2nd sentence of subsection

The sentence states, "Figure 4.14-2 shows the location of the open creek segments along Lafayette Creek, Happy Valley Creek, and Las Trampas Creek." Upon careful examination, Figure 4.14-2 also shows the location of open creek segments along Old

5-5

Ann Merideth
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Page 3

Jonas Creek and Reliez Creek. The sentence should be revised to add these two additional creeks.

5-5
cont.

The above comments pertain to the factual content of the subject document. We therefore encourage you to take them into account in the Final EIR for the Downtown Lafayette Specific Plan.

5-6

Please direct any questions regarding the above comments to Jeff Gilman at (925) 286-0965 or jgilman2@earthlink.net.

Sincerely yours,

LAFAYETTE CREEKS COMMITTEE



Scott C. Honegger
Chair

cc: Lafayette Creeks Committee members
Donna Feehan, City of Lafayette Public Works Service

LETTER 5

Scott C. Honegger, Chair. Lafayette Creeks Committee, March 11, 2010.

Response 5-1

The comment notes that it is plausible that redevelopment projects in the Plan Area could disturb more than 1 acre of soil and requests that the text of the Draft EIR be revised as appropriate. As shown in Chapter 3 of this Final EIR, page 4.7-17 of the Draft EIR has been revised accordingly.

Response 5-2

The comment suggests that a significant deficiency may exist in the capacity of the First Street, Moraga Road, and Dewing Avenue culverts to accommodate estimated 100-year peak discharge. The public drainage system is not designed to accommodate 100-year peak discharge. As such, no formal analysis has been made to assess the 100-year condition. While FEMA flood maps do show the culverts at Dewing and Moraga inundated under a 100-year peak flow condition, and also at First Street to a slight extent, as described in the Draft EIR, under the Lafayette Municipal Code, no development is permitted to encroach on a floodway if it will result in an increase in base flood elevation, and no manufactured home may be placed in a floodway. Redevelopment within the Plan Area would allow for utility infrastructure improvements where documented deficiencies exist. Further, as described in the Draft EIR, the flood damage prevention measures set out in the Code reduce flood hazards by establishing minimum heights for the lowest floors of residential structures, requiring adequate anchoring of structures, as well as stipulating the use of flood-resistant materials and best practices for minimizing flood damage.

Response 5-3

The comment suggests that a discussion of creek bank failure does not belong in a section of the EIR devoted to consideration of inundation by seiche, tsunami, or mudflow, or that if discussion of creek bank failure is retained in the EIR, the word "mudslide" be replaced by the term "earth slump." Page 4.7-22

of the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 5-4

The comment reiterates comment 5-2 as it applies to text on page 4.12-20 of the Draft EIR. Please see response to Comment 5-2.

Response 5-5

The comment suggests that Figure 4.14-2 be revised to include additional creeks. The comment is noted. The reference on page 4.14-13 of the Draft EIR is not intended to be a comprehensive listing of the open creek segments shown in Figure 4.14-2. To provide further clarification, the sentence in question on page 4.14-13 of the Draft EIR has been revised as shown in Chapter 3 of this Final EIR.

Response 5-6

The comment notes that preceding comments on Comment Letter 5 are factual in nature and requests that they be taken into account in the Final EIR. The comment is noted. Comments from the Lafayette Creeks Committee have been incorporated into the Final EIR as described above in responses to comments 5-1 through 5-5.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Jay Lifson [mailto:jay@lafayettechamber.org]
Sent: Tuesday, March 16, 2010 11:50 AM
To: Robbins, Joanne; Planning Commission; Merideth, Ann
Subject: Comments on the DEIR

Attached is a letter from the Lafayette Chamber regarding the DEIR. Please add this letter to the stack. Thanks, jay

6-1

Jay Lifson
Executive Director
Lafayette Chamber of Commerce
jay@lafayettechamber.org
(925) 284-7404

do you really need to print this email?

March 15, 2010

Lafayette Planning Commission
3675 Mt. Diablo Blvd. Suite 210
Lafayette, CA 94549

Re: DEIR

Dear Commissioners,

The Lafayette Chamber of Commerce sent the Lafayette City Council a letter back on April 13, 2009 which indicated that our Board of Directors voted to support, in general, the concepts in the Draft Strategic Plan with the amendments made by the Advisory Committee. This letter specifically addresses the Downtown Lafayette Specific Plan Draft Environmental Impact Report (EIR). Within this letter there are two questions that we are asking the EIR consultants to specifically address. They are both highlighted.

6-1
cont.

When one reads the EIR, one gets the feeling Lafayette is on the brink of catastrophe. That is inconsistent with the exceptionally high level of satisfaction and appreciation expressed by the residents of Lafayette for the quality of growth and the quality of life.

6-2

The EIR is theoretical in nature and in any reasonable assessment, is not an accurate prediction of the City of Lafayette's future reality. One example is the Visual Simulations. The Visual Simulations show a 20 year build out that results in a "canyon like" atmosphere along the Mt. Diablo Blvd. corridor. For one to conclude that this was to actually occur would demand an absence of all reason and common sense. Under the current General Plan and even back to incorporation in 1968, the City of Lafayette had 35 foot height limits in place. Yet the Mt. Diablo Blvd. corridor hasn't even begun to develop into the Visual Simulations. There are two important reasons for this. First, the City of Lafayette has both a Design Review Commission and a Planning Commission that regulate the massing, aesthetics, etc., of all future development. The Visual Simulations are not subject to a DRC or PC. And second, the Visual Simulations don't account for actual land use economics. Over the last 20 years landowners and/or developers have developed or redeveloped a minor amount of the Downtown. This is because of the underlying economics of property development. What evidence is there to suggest this would change? We have been told that the EIR assumes an 80% build-out over the next 20 years. This simply is not reality. **We ask that the EIR consultants calculate what percent build-out actually occurred over the last 20 years.** We feel this is important information to have when final consideration is given to the Specific Plan.

6-3

Another concern the Chamber has is that often times the EIR suggests potential mitigating measures that don't employ common sense. Two examples are:

6-4

1. Requiring outdoor dining areas to have noise barriers because of noise coming from Mt. Diablo Blvd.
2. Limiting the opening of windows for restaurants because of air pollution.

6-5

What restaurant customers would ask for these mitigating measures and what other cities or communities have employed these mitigating measures?

| 6-6

Another concern is that the EIR does not address the economic vitality of the Downtown, only potential environmental impacts. But the environment is only one of many factors. Case in point, MORTRAC took years to study traffic solutions to Moraga Rd. But many potential mitigating measures that the committee came up with were rejected because of the negative impacts to nearby residents or nearby businesses. One such mitigation measure was adding a traffic lane to Moraga Rd by eliminating street parking. This was rejected by the committee because of the adverse economic impacts to the businesses fronting Moraga Rd.

| 6-7

Lastly, the EIR suggests that the some traffic intersections within the City of Lafayette would degrade to failing levels. **The Chamber would like the EIR consultants to explain why these same intersections did not degrade to failing levels in the General Plan EIR.** Clearly the level of development that has occurred within the City of Lafayette over the last ten years is well within those levels anticipated by the General Plan EIR.

| 6-8

As you review the dozens of letters you have received from concerned citizens and groups, know that the Lafayette Chamber of Commerce is just as concerned about the growth and development of our future downtown. We must all understand and support the economics of delivering the desired services our community will need and want. As our community changes, will the needs and wants of the last 20 years be the same as the next 20 years? The economic vitality of the Downtown is one of the main reasons for the increased level of satisfaction and appreciation for our quality of life, but not something the EIR addresses. Give our city staff and leaders a plan that will help guide the “best” of our community, so that in 20 years, our residents will still be saying “Don’t change anything! I love Lafayette just the way it is.”

| 6-9

Respectfully,

Jay Lifson
Executive Director
Lafayette Chamber of Commerce

LETTER 6

**Jay Lifson, Executive Director. Lafayette Chamber of Commerce.
March 15, 2010.**

Response 6-1

The comment serves as an introduction to the comments that follow, thus no response is necessary apart from the responses to the comments below.

Response 6-2

The comment states that the Draft EIR does not reflect the high quality of life that Lafayette residents enjoy. The purpose of an EIR is to provide a conservative analysis of potential impacts. The comment is not specific in indicating which aspects of the Draft EIR do not, in the opinion of the commentator, accurately portray Lafayette and therefore no response is necessary.

Response 6-3

The comment states that the Draft EIR “assumes an 80% build-out over the next 20 years” and states that this is not realistic. This warrants clarification; the buildout projections used in the Draft EIR represent what City staff and the EIR consultant team believe to be a realistic estimate of the amount and type of development that is reasonably foreseeable under the Plan by 2030, assuming a high rate of redevelopment to ensure that the Draft EIR does not understate environmental impacts. The opportunity sites assumed to develop under the buildout projections comprise approximately 69 acres of land, or 29 percent of the Plan Area’s 242 total acres.⁴ The commentator is referring to a calculation in which it was assumed that development projects on these opportunity sites would build out to 80 percent of the maximum capacity. A detailed explanation of the buildout projections used in the Draft EIR is provided in response to Comment 9-7.

⁴ Plan Area acreage does not include streets. With streets, the Plan Area comprises 297 acres.

The comment asks what percent buildout has actually occurred over the last 20 years. According to the City's Planning and Building Services Division, since 1990 approximately 26.4 acres, or 11 percent of the Plan Area's total 242 acres, have been developed.⁵

Response 6-4

The comment questions Mitigation Measure NOI-1b, which would require noise sensitive outdoor commercial uses to be shielded by sound barriers or structures. The intent of this mitigation measure is to require businesses in high noise corridors that would like to have outdoor use areas (such as outdoor dining areas) to reduce traffic noise levels by installing sound barriers or structures to achieve reduced noise levels while still maintaining an open, outdoor environment. Mitigation Measure NOI-1b has been amended to reflect this intent, as shown in Chapter 3 of this Final EIR.

Response 6-5

The comment questions mitigation that would limit the opening of windows for restaurants because of air pollution. The Draft EIR does not limit the opening of restaurant windows. Mitigation measures for residential units require ventilation so that windows can be kept closed to reduce indoor air pollution. Therefore, no revision to the Draft EIR is necessary.

Response 6-6

The comment asks whether restaurant customers would ask for the mitigation measures described in Comments 6-4 and 6-5. Please see responses to these comments, above. The comment also asks what cities have employed these mitigations. Mitigation Measure NOI-1b, referenced in Comment 6-4, is currently employed by existing restaurants with outdoor seating along Mount Diablo Boulevard. The mitigation referenced in Comment 6-5 is not actually included in the Draft EIR. Therefore, no further response is necessary.

⁵ Plan Area acreage does not include streets. With streets, the Plan Area comprises 297 acres.

Response 6-7

The comment states that a previous study of traffic solutions for Moraga Road rejected the option to add a traffic lane by eliminating street parking. The comment is noted. The Draft EIR finds that Impacts TRAF-2 and TRAF-3 would be significant and unavoidable because mitigation would be infeasible due to the issues involved with adding a traffic lane. Please see also response to Comment 4-28, regarding the possible center left-turn lane on Moraga Road that would eliminate parking along the west curb.

Response 6-8

The comment requests that the EIR consultants explain why some traffic intersections would degrade to failing levels under the Plan but not under the General Plan. The following information explains differences between intersection LOS results presented in the General Plan EIR (2002) and the Draft EIR for the Downtown Lafayette Specific Plan (2010).

The Lafayette General Plan was adopted in 2002, but the traffic analysis in the General Plan EIR was performed before its adoption, based on traffic counts taken in 1998 at most of the study intersections. The analysis presented in the Draft EIR for the Plan is based on recent traffic counts (2009).

The future traffic forecasts for the General Plan EIR accounted for future development in surrounding cities that was anticipated at the time of that analysis, as well as development in Lafayette allowed under the General Plan. The forecasts used for the analysis presented in the Draft EIR are based on updated information for anticipated development in surrounding cities, including the recently adopted Moraga Center Specific Plan.

To calculate intersection LOS, the General Plan EIR used the HCM methodology based on stopped delay that was current at the time, and HCS computer software. The LOS analysis presented in the Draft EIR uses the updated current HCM method based on control delay, and Synchro software, which more closely model traffic conditions.

With these updates, two of the intersections that were identified with an acceptable LOS in the General Plan EIR have been identified with an unacceptable LOS in the Draft EIR Cumulative No Project analysis, which assumes anticipated development in Lafayette under the current General Plan, including development under the Moraga Center Specific Plan. The two intersections are: Mount Diablo Boulevard/Moraga Road during the PM peak hour with LOS E and 55.7 seconds of delay, which is only 0.7 seconds above the acceptable Poor LOS D threshold; and Deer Hill Road/State Route 24 westbound ramps with LOS E during the AM and PM peak hours. Additionally, the Draft EIR Cumulative No Project analysis identifies LOS F during the PM peak hour for the southbound left turn on First Street at the State Route 24 eastbound on-ramp, which was not analyzed in the General Plan EIR. Both the General Plan EIR and the Cumulative No Project analysis in the Draft EIR identify unacceptable LOS E or LOS F conditions at three intersections: Moraga Road/School Street/Brook Street (reported as a single intersection in the General Plan EIR), Deer Hill Road/Happy Valley Road, and Deer Hill Road/Oak Hill Road.

In the Cumulative with Specific Plan Project analysis presented in the Draft EIR, three additional intersections are identified with an unacceptable LOS. However, that analysis includes traffic generated with the additional development the under the Plan, rather than the development allowed under the current General Plan in the Plan Area.

Response 6-9

The comment expresses concern regarding growth and development in downtown Lafayette. The comment expresses the opinion of the commentor and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

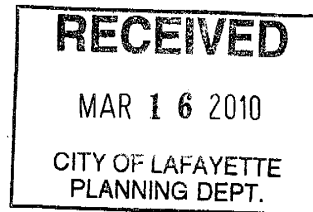
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CITY COUNCIL

Brandt Andersson, Mayor
Carl Anduri, Vice Mayor
Mike Anderson, Council Member
Carol Federighi, Council Member
Don Tatzin, Council Member

March 16, 2010



Ann Merideth, Community Development Director
City of Lafayette
3675 Mt. Diablo Blvd., Suite 210
Lafayette, CA 94549

Dear Ms. Merideth:

The Lafayette Circulation Commission continued its discussion at its March 15, 2010 meeting of the January 26, 2010, Draft Environmental Impact Report for the Revised, Draft Downtown Specific Plan. The comments in this letter should be considered an addition to the Circulation Commission's previously submitted comment letter of March 2, 2010.

7-1

1. Page 5-3, Table 5-2: The ratings given in the Air Quality and Noise categories for the Higher Intensity Alternative is not clear. Why wouldn't these categories receive lower ratings given the increased amount of development impacts such as construction noise and more construction related traffic? Explain the criteria and how the various categories (e.g. ++ vs. + or - vs. - -) are differentiated.

7-2

2. Page 5-31, 1st para: The DEIR should insert at this location in the document the seven intersections referenced and provide the LOS for each intersections.

7-3

3. Page 5-32, 3rd para: The DEIR inaccurately suggests that under the current General Plan a parking garage would not be allowed. The General Plan does not preclude a parking garage. Currently the City designates a portion of the parking meter fees collected towards a fund designated for increasing the supply of parking in the downtown. The City on multiple occasions has discussed constructing a parking garage with those funds.

7-4

4. Page 5-32, 3rd para.: The City Council agreed to retain the current parking standards until *sufficient*, not additional, off-street parking is provided.

7-5

5. Page 5-61, 1st para, last sentence: Change to read: "...Oak Hill Road or First Street *would* ~~could~~ result.

7-6

6. Page 3-20: The DEIR states that "it was assumed that only 80 percent of full build out would be attained to reflect a more realistic build out potential..." Did the DEIR

7-7

Ms. Ann Merideth
Page 2
March 16, 2010

account for a 20% reduction for all three alternatives that were evaluated? Ensure that the DEIR compares equal values between the various alternatives. Does the 20% reduction apply to both land use development and vehicle trips? How common is evaluating 80% build out of a plan (and its alternatives) instead of a 100% build out? How does the DEIR arrive at the 80% quantities without knowing the 100% quantities; therefore it should not be difficult to provide the 100% quantities. How much longer would it take to build out the remaining 20% of the Revised, Draft, Downtown Specific Plan?

7-7
cont.

7. Page 4.13-7, Figure 4-13.1: The intersection of Deer Hill Road/Stanley Boulevard and Pleasant Hill Road should be included as a study intersection and evaluated in order to assess the traffic impacts on the northeastern portion of Lafayette.

7-8

8. Since the adoption of the 2002 General Plan, more current earthquake/geologic hazard maps are now available. Did the DEIR use the earthquake/geologic hazard maps from the 2002 General Plan? The EIR's evaluation should use the most current fault, landslide and sheer zone maps and should also include street names. Future update amendments to the General Plan should include the most current maps.

7-9

9. The current student population at Stanley Middle and Lafayette Elementary Schools may be higher than what is indicated in the DEIR. Confirm the student population and revise the analysis as appropriate.

7-10

10. Item # 16 in the previously provided Circulation Commission comment table: The last sentence under Issue should be revised to read, "an alternative route such as Reliez Station Road or *St. Mary's Meraga Road*."

7-11

Thank you for the opportunity to provide these additional comments. Please feel free to contact me or Leah Greenblat, Transportation Planner, should you have any questions.

7-12

Sincerely,

Cindy Sevilla
Circulation Commission Chair

Enclosure

cc: Lafayette Planning Commission
Lafayette Circulation Commission

LETTER 7

Cindy Sevilla, Circulation Commission Chair. City of Lafayette Circulation Commission. March 16, 2010.

Response 7-1

The comment serves as an introduction to comments that follow and states that comments in the letter should be considered an addition to the commentor's previously submitted comment letter of March 20, 2010. The comment requires no response other than the responses to Comments 7-2 through 7-12, below.

Response 7-2

The comment asks for clarification regarding the "similar" ratings given in Table 5-2 of the Draft EIR to the Air Quality and Noise categories for the Higher Intensity Alternative. Comparisons between alternatives and the Plan are based on determinations of whether an alternative would avoid a significant impact created by the Plan (+ +), reduce a significant impact (+), result in the same level of impact (=), worsen the level of a significant impact (-), or create a new significant impact (- -).

The Plan would result in one significant and unavoidable air quality impact and two significant air quality impacts that could be mitigated to less-than-significant levels. The Higher Intensity Alternative would only slightly worsen the significant and unavoidable impact and would result in similar significant but mitigable impacts. Overall, the Higher Intensity Alternative would result in the same number and types of air quality impacts, and would be similar to the Plan.

The Plan would result in four significant noise impacts that could be mitigated to less-than-significant levels. In all of these areas, the Higher Intensity Alternative would result in slightly worse impacts, primarily as a result of a larger number of people exposed to higher noise levels resulting from in-

creased traffic. Therefore, the Higher Density Alternative would be a slight deterioration in comparison to the Plan.

Response 7-3

The comment requests that the text on page 5-31 of the Draft EIR be revised to include the seven intersections referenced and the LOS for each. The second paragraph on page 5-31 has been revised to list the seven referenced intersections and provide a page reference to the applicable LOS table in Chapter 4.13 of the Draft EIR, as shown in Chapter 3 of this Final EIR. The LOS results for the seven intersections with the No Project Alternative are already presented in Table 4.13-11 on page 4.13-29 of the Draft EIR, and described in detail on the accompanying pages. The alternatives section is intended to provide a comparative analysis of the alternatives to the Plan. The seven referenced intersections would operate at unacceptable LOS with both the No Project Alternative and the Plan, and the revised paragraph providing the specific intersection locations and a page reference to the detailed LOS results is adequate for the comparative analysis.

Response 7-4

The comment states that the Draft EIR inaccurately suggests that a parking garage would not be permitted under the No Project Alternative. The commentor is correct that a parking garage would not be precluded under the No Project Alternative. However, the purpose of this EIR is to evaluate the impacts of the Plan, which specifically includes policies to facilitate the development of a new parking facility. A new parking facility is not included in the No Project Alternative.

The comment also references a parking meter fee program that collects fees toward a fund designated for increasing the supply of parking in the downtown. In the past the City was collecting parking fines and putting them into a parking fund. The goal of the fund is to provide public parking in the downtown. However, in recent years the City suspended putting fines into the fund, and is using the revenues to support code enforcement and core area maintenance. Approximately \$2 million is currently in the parking fund.

The City has tried unsuccessfully to acquire property with these funds for public parking over the past few years, although securing additional parking in the downtown continues to be one of the City Council's adopted goals. These funds are still intended to be used for public parking.

Response 7-5

The comment states that the City Council agreed to retain the current parking standards until sufficient – not additional – off-street parking is provided. The comment is noted, but is not accurate. The Plan's Circulation Policy C-5.3 states: "Retain the City's current parking standards until additional off-street parking is provided." This statement in the Plan is consistent with the City Council's revision approved on May 28, 2009: "Parking Standards: Retain the City's current parking standards until after additional parking is provided." The Draft EIR evaluated the potential impacts of the project based on this Plan language, and determined that the Plan would not create demand for parking greater than the feasible supply, interfere with existing or planned parking facilities, or create inconsistencies with adopted parking plans or policies. However, the Draft EIR determined that the public parking facility proposed under the Plan would result in localized traffic impacts near the parking facility, including adjacent intersection traffic operations impacts, and vehicle queuing and bicycle and pedestrian safety impacts at facility drive-ways. The analysis and conclusions regarding parking impacts presented in the Draft EIR would not change if the Plan were revised to retain current parking standards until "sufficient" off-street parking is provided.

Response 7-6

The comment requests that the text on page 5-61 of the Draft EIR be revised to state "would" rather than "could" in the last sentence of the first paragraph. The comment is noted. The description of the Higher Intensity Alternative does not specify the type of traffic controls for the intersections of the proposed east-west connector with Oak Hill Road and First Street. Therefore, several types of traffic control, including full traffic signalization, are assumed and evaluated for the purposes of a comparative analysis of the alternative.

Response 7-7

The comment references a statement on page 3-20 of the Draft EIR that, “it was assumed that only 80 percent of full buildout would be attained to reflect a more realistic buildout potential,” and asks whether this assumption was used for all three alternatives evaluated in the Draft EIR. The buildout methodology used for the proposed project was applied to both the Lower Density Alternative and the Higher Density Alternative. The methodology for calculating the buildout of the No Project Alternative is described on page 3-20 of the Draft EIR.

The comment requests that the Draft EIR compare equal buildout methodologies for all of the alternatives. For the No Project Alternative, the City’s existing buildout projections were used because a detailed methodology was developed to analyze development under the General Plan, where as the buildout used for the project and the Lower and Higher Density Alternatives was based on a methodology developed for the EIR’s analytical purposes. Using the methodology developed for the EIR, the EIR consultant finds that buildout under the No Project Alternative would result in 1,550 housing units, 175,000 square feet of retail, and 250,000 square feet of office space. The buildout methodology developed for the EIR results in a buildout projection for the No Project Alternative that is similar to the projection for the Plan. However, because the buildout projections for the No Project Alternative used in the Draft EIR were based on an existing set of projections developed specifically for the City’s General Plan, no revision to the buildout projections used in the alternatives analysis is necessary.

The comment asks whether the assumption that only 80 percent of buildout would be attained affects both land use development and vehicle trips. The traffic analysis in the Draft EIR was based on the buildout projections presented in the Chapter 3, Project Description.

The comment asks how common it is to evaluate 80 percent of plan buildout in an EIR. The CEQA Statute and Guidelines do not provide specific guidance regarding how buildout projections should be calculated for the purposes

on an EIR. However, CEQA does provide guidance regarding the scope of the environmental review process and the lens through which Lead Agencies shall examine proposed projects for the purposes of an EIR. Under Section 15064(d) of the CEQA Guidelines, “In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” For this program-level evaluation, the City determined that applying an 80 percent buildout assumption is considered reasonable.

The commentor states that it should not be difficult to determine the amount of development that would occur without the assumption that only 80 percent of development would occur. This is true; without the 20 percent reduction, the Plan would be estimated to result in 2,206 housing units ($1,765 / 0.8 = 2,206$) and 450,000 square feet of commercial space ($360,000 / 0.8 = 450,000$).

The comment asks how long it would take the remaining 20 percent of the Plan to build out. As described above, the 20 percent reduction it is intended to reflect the fact that development projects, on average, do not develop to the full development capacity allowed; the reduction is not intended to represent phasing over time rather. Therefore, the remaining 20 percent is not expected to build out on the development parcels used for the buildout calculations.

Response 7-8

The comment states that the intersection of Deer Hill Road/Stanley Boulevard and Pleasant Hill Road should be included as a study intersection in order to assess traffic impacts on the northeastern portion of Lafayette. The intersection of Deer Hill Road/Stanley Boulevard and Pleasant Hill Road is part of the Route of Regional Significance, Pleasant Hill Road north of State Route 24, which was analyzed in the Draft EIR according to Contra Costa Transportation Authority guidelines. As presented in Impact TRAF-10 on

page 4.13-53 of the Draft EIR, the Plan would increase traffic volumes such that the Delay Index on southbound Pleasant Hill Road north of State Route 24 would deteriorate from 1.97 to 2.18 in the PM peak hour, resulting in a significant impact. Pleasant Hill Road north of State Route 24 would also operate at a Delay Index exceeding the acceptable 2.0 threshold under both the Cumulative No Project and Cumulative with Specific Plan Project conditions. Under both scenarios, the delay would deteriorate enough to create a significant impact on southbound traffic during the AM peak hour and northbound traffic during the PM peak hour. No feasible mitigation measures are available to reduce this impact to less-than-significant levels, and it is identified as significant and unavoidable. Peak hour traffic operations at the Deer Hill Road/Stanley Boulevard/Pleasant Hill Road intersection would be impacted as part of the impact already identified on Pleasant Hill Road.

Response 7-9

The comment states that since the adoption of the City's 2002 General Plan, more recent seismic maps are available. The comment asks whether the Draft EIR used 2002 General Plan maps in its analysis. The comment suggests that the EIR use the most current fault, landslide, and shear zone maps and include street names.

The information on fault locations and landslide susceptibility in the Draft EIR was based on a number of sources, as indicated in the footnotes in Chapter 4.5, Geology and Soils. The most current fault maps were released by the California Geological Survey. The *2010 Fault Activity Map of California*⁶ shows three faults located in the vicinity of the Plan Area. Two of the three faults are Quaternary faults that run in a north-south direction, the third fault is a pre-Quaternary fault that runs east-west and then slopes southward. Additional fault information is included in a report prepared in 2006 by William Lettis & Associates, Inc. for the Bay Area Rapid Transit (BART) District. This report identifies four potentially active faults (the West Lafayette, Lafay-

⁶ California Geological Survey, 2010 Fault Activity Map of California, available at, <http://www.quake.ca.gov/gmaps/FAM/faultactivitymap.html>, accessed on June 28, 2010.

ette, Reliez Valley, and Saklan faults) in proximity to the Plan Area that are within the Contra Costa Shear Zone. The Lettis report states that these faults are not known to be creeping, but that the occurrence of creep cannot be ruled out.²⁰

The most current data on landslide susceptibility is shown in Figure 4.5-2 of the Draft EIR. Lafayette contains many areas with slopes greater than 30 percent, where landsliding could reasonably be expected, few of these sloped areas are within the Plan Area and the majority of the Plan Area is therefore not considered an area susceptible to landslides. In addition to the generally flat landscape of the Plan Area, the very limited number of undeveloped parcels reduces any surface area which would be more likely to slide.

Response 7-10

The comment states that current enrollment at Stanley Middle School and Lafayette Elementary School may be higher than indicated in the Draft EIR, and requests revisions to the analysis as necessary. Table 4.11-1 in the Draft EIR shows Lafayette Public School Enrollment numbers from the 1998-1999 school year through the 2006-2007 school year. Total enrollment in Lafayette School District schools was 3,164 students in the 2006-2007 school year, whereas in the current 2009-2010 school year it is 3,197 students. The increase in enrollment of 33 students notwithstanding, there are currently 348 seats available to accommodate increased student enrollment at Lafayette School District schools because enrollment is down from 1999-2000 school year levels. Growth would come incrementally over the course of 20 years, and increased enrollment could be accommodated through the installation of portable classrooms or, if necessary, by reclaiming district-owned school facilities now being leased to a private school. Consequently, no revision to the Draft EIR is necessary. Please also see Comment Letter 54 and associated responses.

Response 7-11

The comment notes a revision to a previously submitted comment. The response to Comment 4-17 assumes the stated revision of the comment to specify “St. Mary’s Road.”

Response 7-12

The comment provides a correction to Comment 4-17. This clarification is incorporated into the response to Comment 4-17, above.

From: Brill, Fred [mailto:fbrill@LAFSD.K12.CA.US]
Sent: Monday, March 08, 2010 1:39 PM
To: Kristen Altbaum; Robbins, Joanne
Cc: savelafayetteschools@yahoo.com
Subject: RE: no high density housing in Lafayette

Hi Kristen,

I do not have any interest in weighing in on the downtown plan; however, I do want you to know that housing development would positively impact school funding. We are a declining enrollment district, and we derive our revenues based on student enrollment. More students generate more revenue for our school district.

| 8-1

Sincerely,

Fred

Fred Brill, Ed.D.
Superintendent
Lafayette School District
3477 School Street
Lafayette, CA 94549
(925) 927-3502

From: Kristen Altbaum [mailto:kaltbaum@comcast.net]
Sent: Monday, March 08, 2010 1:15 PM
To: cityhall@lovelafayette.org
Cc: savelafayetteschools@yahoo.com; Brill, Fred
Subject: no high density housing in Lafayette

Please DO NOT allow high density housing in Lafayette. This is not consistent with our small, quaint downtown personality and will negatively impact school funding.

| 8-2

- Kristen Altbaum (Lafayette homeowner)

LETTER 8

Fred Brill, Superintendent. Lafayette School District. March 8, 2010.

Response 8-1

The comment states that enrollment in Lafayette School District schools is declining and that an increase in students will generate revenue for the District. The comment is noted. Please also see Comment Letter 54 from Fred Brill, Superintendent of the Lafayette School District.

Response 8-2

The comment is a duplicate of Comment 24-1. Please see response to Comment 24-1, below.

III. NON-GOVERNMENTAL ORGANIZATIONS

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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